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Delivery of advisory services

Report of the Secretary-General**

Summary

The present report has been prepared pursuant to paragraph 94 of General Assembly resolution 56/253 of 24 December 2001, concerning section 9, Economic and social affairs, of the programme budget for the biennium 2002-2003, in which the Assembly requested the Secretary-General to consider with respect to the delivery of advisory services to Member States, avoiding duplication and achieving optimum and effective use of resources, and to report thereon at the fifty-seventh session of the Assembly. This report covers the purpose and scope of advisory services, the criteria for the selection of beneficiaries, the types of advisory services provided and their coordination and reporting arrangements at the intergovernmental and Secretariat levels.

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** The delayed submission of the present report was due to the extensive consultations required to finalize the document.

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I. Introduction

1. The present report has been prepared pursuant to paragraph 94 of General Assembly resolution 56/253 of 24 December 2001, in which the Assembly requested the Secretary-General to consider, in consultation with relevant intergovernmental bodies, with respect to the delivery of advisory services to Member States, avoiding duplication and achieving optimum and effective use of resources, and to report thereon to the relevant intergovernmental bodies at the fifty-seventh session of the Assembly.

2. Guided by the above considerations — avoiding duplication and achieving optimum and effective use of resources — this report reviews (a) the current purpose and scope of advisory services; (b) the coordination of and reporting on advisory services; (c) criteria for the selection of beneficiaries of advisory services and related training activities; (d) the types of advisory services being offered; and (e) the experience of the Department of Economic and Social Affairs of the United Nations Secretariat with advisory services, as an illustration of current practices in this regard.

II. Purpose and scope of advisory services

3. Technical cooperation is defined as a coherent set of activities to achieve specific outcomes that contribute to capacity-building in developing countries and countries in transition, by providing technical support to strengthen human resources, managerial and information systems as well as institutions at the national level. Advisory services are a specific modality of technical cooperation that a United Nations entity extends to developing countries and countries in transition, drawing on its substantive field of normative and analytical expertise, in order to produce learning and knowledge that serve to support and advance their capacity-building efforts, by (a) responding to requests of Governments for urgent on-the-spot advice on policy-related issues; (b) providing Governments with specific advice on sectoral matters relevant to their country programmes; and (c) assisting Governments in the formulation of projects and in programme evaluations leading to the enhancement of national programmes.

4. United Nations entities that provide advisory services include: the Department of Economic and Social Affairs, and the Office for the Coordination of Humanitarian Affairs of the United Nations Secretariat, as well as the secretariat of the United Nations Conference on Trade and Development (UNCTAD), the United Nations Human Settlements Programme (UN-Habitat), the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the United Nations International Drug Control Programme and the secretariats of the Economic Commission for Europe (ECE), the Economic Commission for Africa (ECA), the Economic Commission for Latin America and the Caribbean (ECLAC), the Economic and Social Commission for Western Asia (ESCWA) and the Economic and Social Commission for Asia and the Pacific (ESCAP).

Initiation of advisory services

5. Requests for advisory services come to the United Nations in two forms: (a) requests addressed directly by countries to the concerned United Nations entity; and (b) requests addressed to the United Nations resident coordinator, who then refers the request to the concerned United Nations entity. In the former case, coordination with other service providing entities is ensured as indicated in section III below. In the latter case, it is, in the first instance, the United Nations resident coordinator who, by virtue of the oversight he/she maintains of all United Nations operations in the country concerned, is best placed to ensure that the proposed activity complements rather than duplicates other advisory services being provided to the country by the United Nations.

III. Coordination and reporting

6. At the intergovernmental level, advisory services provided by the United Nations are guided by the Economic and Social Council, particularly the resolutions and decisions emanating from the operational activities of the United Nations for the international development cooperation segment of its substantive sessions, and by the General Assembly, especially in the context of its triennial policy reviews of operational activities for development of the United Nations system. Through the relevant reports of the

Secretary-General, the Council and the Assembly are provided with an overview of all operational activities undertaken by the various parts of the United Nations, including advisory services. In acting on these reports, the Council and the Assembly provide the overall policy and managerial framework within which United Nations entities respond to countries' requests for advisory services and coordinate their responses. The policy guidance they provide in relation to the United Nations Development Assistance Framework (UNDAF) and the resident coordinator system is especially relevant to the conduct of advisory services.

7. At the executive level, two inter-Secretariat management forums currently exist to ensure an ongoing dialogue among United Nations providers of advisory services: the United Nations Development Group, chaired by the Administrator of the United Nations Development Programme (UNDP), and the Executive Committee on Economic and Social Affairs, chaired by the Under-Secretary-General for Economic and Social Affairs. The work of both forums contributes, from different perspectives, to ensuring that advisory services are provided in an institutional environment focused on sharpening the division of labour among United Nations entities engaged in development support, as well as promoting synergies and collaboration among them. At the country level, the UNDAFs provide the main coordination framework within which to ensure complementarity, avoid duplication and achieve the most effective resource use. Where there is no UNDAF, other national coordination instruments, such as the Poverty Reduction Strategy Papers (PRSPs), are drawn upon to avoid duplication and ensure complementation of efforts.

8. The first step in the response of a United Nations entity to a Government's request for advisory services is to examine its institutional capacity and competence to extend the service being requested, in the context of the processes referred to. The second, in consultation with the United Nations resident coordinator, is to examine the request and the most appropriate modalities of response in the framework of UNDAF, where it exists, and other relevant country-level coordination instruments. In addition to ensuring that duplication is avoided, an important concern at all stages is to consider which other advisory service providers can make a contribution in sectors relevant to the request. This is particularly important in broad multidisciplinary areas such as poverty eradication.

IV. Criteria for selection of beneficiaries of advisory services and related training activities

9. The funds under section 21 of the United Nations programme budget (regular programme of technical cooperation) are the main funding source utilized by United Nations entities to respond to requests for advisory services sought by countries to help advance their development support needs and development priorities.[1] These resources are managed for the purposes indicated in section 21, and in line with the objectives and performance indicators of the relevant programmes and subprogrammes covering the work of the entity concerned in the United Nations programme budget.

10. The beneficiaries of advisory services are developing countries or countries with economies in transition. Particular attention is paid to the requirements of the least developed countries, as provided for in the guidelines for the overall orientation of the regular programme of technical cooperation endorsed by the Governing Council of UNDP (now the Executive Board of UNDP/United Nations Population Fund (UNFPA)) in its decisions 79/22 of 28 June 1979[2] and 80/42 of 27 June 1980[3] and approved by the General Assembly in its resolution 2514 (XXIV) of 21 November 1969, as recommended by the Economic and Social Council in its resolution 1434 (XLVII) of 25 July 1969.

11. The following broad criteria guide United Nations entities' responses to requests for advisory services and related training activities funded from the regular programme of technical cooperation:

(a) Advisory services:

(i) The entities responsible for implementation of the regular programme of technical cooperation endeavour to respond to all requests for advisory assistance that fall within their areas of competency, to the extent that resources are available;

(ii) In order to ensure an optimum use of resources, special attention is given, in responding to a request for advisory services, to

the conditions that can best facilitate an effective follow-up within the country, through a national institution or a UNDP-, UNFPA- or bilaterally funded programme, capable of providing a suitable framework for action by the Government on the recommendations resulting from the advisory mission;

(iii) Furthermore, to optimize the use of resources, missions of advisers are often grouped geographically, so that several requests can be addressed during one mission and the number of requests that can be handled may be maximized;

(b) Training activities: section 21 provides for funds to be used to organize training workshops for capacity- and institution-building. These are, in most cases, multi-country activities and are intended to have a multiplier effect. Participants are typically officials who have policy-making, planning and execution responsibilities. The orientation and methodologies developed at these workshops thus make a direct contribution to strengthening national capacities for policy development and the effective implementation of national policies, in line with respective national realities. Exchanges of best practices and South-South cooperation are fostered through such workshops. In the organization of these workshops, the following procedural criteria are generally adhered to:

(i) As in the case of advisory services, the theme of the workshop should be in line with the core substantive responsibility of the entity executing the activity; and the target beneficiaries are developing-country officials and officials from countries with economies in transition;

(ii) The training provided is generally geared to playing a catalytic role in the development process of the countries concerned. To the extent possible, a link is established between local needs and conditions and the follow-up to the outcomes of global conferences;

(iii) The selection of venues is guided by their centrality or reasonably easy access to participants, as well as the capacity of the host country to provide logistic support for the training;

(iv) The participation and/or joint organization with a regional commission are/is encouraged for regional training activities, so as to promote their sustainability and continued regional support after the training.

V. Types of advisory services

12. The basic delivery mechanism for advisory services is an advisory mission, by which a United Nations staff member, adviser or consultant, or a team of such officials, travel to the country that has requested the service to provide advice on a set of policy issues selected by the country concerned, and coming within the purview of the concerned United Nations entity. This is followed by a report containing recommendations for action. Advisory missions often lead to the formulation of larger-scale technical assistance projects to be implemented in part or entirely by the United Nations or by other implementing partners, as decided by the Government. This serves to enhance the multiplier effect and longer-term impact of the missions.

13. Many advisory missions are undertaken in response to Government requests to provide technical advice in relation to Government-executed projects, in line with the General Assembly's policy of promoting national execution and national ownership of operational activities for development. By providing technical support to national execution, while ensuring that programme implementation is in line with United Nations standards, such missions serve a very important purpose for both the Government and the funding body.

VI. The experience of the Department of Economic and Social Affairs of the United Nations Secretariat

14. To illustrate current practices in the delivery of advisory services by the United Nations Secretariat, relevant activities undertaken by the Department of Economic and Social Affairs are described below.

15. The technical cooperation and advisory services implemented by the Department of Economic and Social Affairs are funded from section 21 as well as extrabudgetary resources such as UNDP funds and donor trust funds.

16. Section 9 of the programme budget, Economic and social affairs, provides the overall results-based

management framework for the normative, analytical, technical cooperation and advisory services undertaken by the Department of Economic and Social Affairs. Thus, section 21, Regular programme of technical cooperation, under which a large part of advisory work is undertaken, is cross-referenced to the respective subprogrammes of section 9 and to the corresponding programme (7) of the medium-term plan.

17. In managing advisory services and technical cooperation, close coordination both with the normative and analytical activities and with the work of other technical cooperation and advisory services providers within the Organization is emphasized.

18. The advisory services of the Department of Economic and Social Affairs are carried out in all regions, in close coordination with other United Nations system activities at the country and regional levels. The mechanisms utilized for this purpose and for avoiding duplication and achieving optimum and effective resource use, in all of which the Department of Economic and Social Affairs is centrally involved, are outlined in section III above. Two basic guidelines orient the Department's approach to this work: first, there is the recognition that advisory services and technical cooperation, in line with their fundamental mandates, must remain demand-driven and occur at the request of the Governments of developing countries and economies in transition; second, on the supply side, the Department of Economic and Social Affairs considers it important that responses to requests should be backed up by a strong substantive capacity. This implies that the Department of Economic and Social Affairs will respond to requests for advisory services that are clearly within its sphere of responsibility, as defined by its normative and analytical activities and set out in the relevant programme planning documents; and that it will advise Governments requesting advice of other sources of advisory services within the United Nations that may have more specific technical competence in the particular programme area in which the advice may be sought.

19. This link between advisory services and related technical cooperation work on the one hand and analytical and normative activities on the other serves to ensure that the quality of the support provided to the requesting country is maximized. In turn, exposure to countries' realities and needs through advisory services serves to enrich and deepen the Department's analytical outputs.

20. Often, requests are cross-sectoral in nature and are concerned with related areas of policy. Cross-sectoral advice in connection with the elaboration and implementation of comprehensive sustainable development policies is one relevant example. The terms of reference of the Department of Economic and Social Affairs make it uniquely well suited to extend advisory services of this type. Collaboration is especially close with UNDP. The review of collaborative arrangements between the Department of Economic and Social Affairs and UNDP, concluded in March 2002, places special emphasis on modalities for maximizing the support that the two entities provide to developing countries in cross-sectoral areas related to the preparation and follow-up to global conferences.

21. There is also extensive collaboration with the regional commissions. For example, to assist countries in their preparations for major conferences such as the World Summit on Sustainable Development in Johannesburg, South Africa, the Department of Economic and Social Affairs collaborated closely with the regional commissions, as well as with UNDP and the United Nations Environment Programme (UNEP), through training seminars, advisory services, and related capacity-building activities.

22. Increasingly, the Department of Economic and Social Affairs complements advisory missions with electronic technical cooperation (e-TC), which involves the use of information and communication technologies (ICT) to build a community of learning and knowledge, through which a dialogue is pursued with countries requesting advisory services that have capacity-building needs. e-TC permits a more effective use of limited resources for advisory services and a broader impact and greater geographical coverage than traditional advisory missions. For example, a single advisory mission can be undertaken for an intercountry learning event involving several countries that have requested advisory services, rather than in response to a single requesting country. Over the course of the implementation of the medium-term plan, from 2002 to 2005, further leveraging of advisory services through e-TC and learning networks is anticipated.

Coverage of advisory services of the Department of Economic and Social Affairs

23. In advancing its programmatic objectives, under programme 7 of the medium-term plan for the period 2002-2005, and section 9 of the programme budget for the biennium, the Department provides, at government request, advisory services and technical cooperation to strengthen national capacities of developing countries and countries in transition, under the following subprogrammes:

Subprogramme	*Section 9*[a]	*Section 21*[b]
Gender issues and advancement of women	Subprogramme 2	21.19 (a)
Social policy and development	Subprogramme 3	21.19 (b)
Sustainable development	Subprogramme 4	21.19 (c)
Statistics	Subprogramme 5	21.19 (d)
Population	Subprogramme 6	21.19 (e)
Public administration, finance and development	Subprogramme 8	21.19 (f)

[a] See A/56/6 (Sect. 9).
[b] See A/56/6 (Sect. 21).

The focus of advisory services in each of these subprogrammes is described below.

Gender issues and advancement of women

24. Under this subprogramme, the Department of Economic and Social Affairs advises developing countries and countries in transition regarding: capacity-building for national machineries for the advancement of women, (including ICT applications, and support to network-building); capacity-building to support the ratification and implementation of the Convention on the Elimination of All Forms of Discrimination against Women[4] and the Optional Protocol thereto;[5] promotion of the human rights of women, including elimination of trafficking in, and violence against, women; capacity-building for gender mainstreaming in different policy sectors; support for peace-building networks and other gender-related peace and security activities; and capacity-building and network promotion on women's participation in decision-making at all levels.

Social policy and development

25. This subprogramme provides advice to developing countries and countries in transition in the areas of: general social development; social policy assessments; operationalizing poverty alleviation and human development strategies; social integration; social dimensions of macroeconomic adjustment; social assessment; social expenditure; social impact; formulation and design of social development policies and strategies for incorporation into national plans and programmes; and social aspects of conflict and disaster management. In particular, the subprogramme seeks to help countries, through operational activities for development, to put into practice the outcomes of the World Summit for Social Development held in Copenhagen in 1995 and other relevant major United Nations social conferences and summits.

Sustainable development

26. Through this subprogramme, the Department of Economic and Social Affairs assists developing countries and countries in transition through advice and technical cooperation in: formulation of national sustainable development strategies, including awareness-raising for team leaders, government and civil society; capacity-building in information management and indicator use for policy formulation and implementation strategies for sustainable development; support for institutional arrangements for follow-up mechanisms and processes; water resources policy formulation and water governance; integrated water resources management and resource evaluation; rural water supply and sanitation; capacity-building in water resources planning and management; land management; sustainability of mineral development; energy policies and strategies for sustainable development; energy efficiency measures including standards and labelling; rural energy and applications of new and renewable energy sources including solar, wind, biomass and geothermal energy; promotion of cleaner fossil fuel technologies and systems; energy-related transport policies; and energy information systems.

Statistics

27. The subprogramme on statistics, in conjunction with its normative and analytical role in setting international standards for statistics, provides advisory services, in particular to national statistical offices in such areas as: organization and management of a national statistical system; population censuses as well as household and other surveys; vital statistics and civil registration; national and environmental accounting; trade statistics; environment, energy and industry statistics; and information management.

Population

28. The population subprogramme provides advisory services in the areas of national population policies and national population research capacity. In providing advisory services, the subprogramme makes extensive use of e-TC and manages three web-based learning communities devoted to national population research and policies.

29. These three Internet knowledge communities in population policy and research, established by subprogramme 6 (Population) of programme 7 of the medium-term plan for the period 2002-2005, are: (a) "DemoNetAsia" (Network of Population Research Institutes in Asia) (located at http://www.demonetasia.org/), covering countries of Asia and the Pacific; (b) "DemoNeta" (Démographie et Internet en Afrique) (located at http://www.demoneta.org/), covering countries of Africa; and (c) "Redeluso" (Rede de Demografia dos Países Lusófonos) (located at http://www.redeluso.org), covering Portuguese-speaking countries. These three networks permit subprogramme 6 to cover 3 geographical regions and some 60 countries annually with its limited budget. Under the traditional approach, perhaps only some six countries could receive advisory services per year with the same budget. e-TC does not replace or eliminate advisory missions, but gives them a greater multiplier effect.

30. The three networks mentioned above represent the state of the art in United Nations e-TC and are a model for networks in other fields.

Public administration, finance and development

31. This subprogramme of the Department of Economic and Social Affairs assists developing countries and countries in transition in the areas of reforming and modernizing national public administration and implementing civil service reform; and improving national capacity in public policy development. It assists Member States in rebuilding institutions and public administration after conflict; capacity-building in mobilization and management of financial resources, with particular emphasis on tax administration; the application of information technology in government operations (e-government); and access to and services offered through the United Nations Online Network of Regional Institutions for Capacity-Building in Public Administration and Finance (UNPAN). UNPAN is a virtual electronic network that promotes the exchange of expertise and sharing of experiences and lessons learned in public administration and finance at local, national, subregional, regional and global levels.

VII. Conclusions emerging from the discussion

32. Advisory services provided at the request of Member States represent an essential operational bridge between the knowledge and expertise available in the United Nations by virtue of its normative and analytical activities and the capacity-building needs of developing countries.

33. Advisory services help ensure a reality check for the normative and analytical work of the United Nations and enhance their quality in the service of Member States. Capacity-building for economic and social development has been stressed repeatedly in the intergovernmental bodies as a key priority of Member States, and an essential guiding principle for the operational work of the United Nations.

34. Advisory services also represent the means by which the United Nations can assist Member States in implementing the outcomes of the major United Nations conferences dealing with economic and social development. Increasingly, the outcomes of the United Nations Millennium Summit, including the Millennium Declaration[6] and the ensuing development goals will serve as a framework within which to guide future advisory services in the area of economic and social affairs.

35. For purposes of avoiding duplication and achieving optimum and effective resource use, advisory services provided by the United Nations

are guided, at the intergovernmental level, by the operational activities of the United Nations for international development cooperation segment of the substantive sessions of the Economic and Social Council, and the General Assembly, particularly in the context of the triennial policy review of operational activities for development of the United Nations system.

36. **The main coordination mechanisms at the Secretariat level for avoiding duplication and enhancing effective resource use are the United Nations Development Group and the Executive Committee on Economic and Social Affairs. At the country level, furthermore, the resident coordinator system and the United Nations Development Assistance Framework are the main mechanisms for avoiding duplication and achieving optimum and effective resource use.**

37. **Finally, advisory services are guided by the planning and coordination mechanisms and instruments of national Governments that request such services and that have the ultimate interest in avoiding duplication and achieving optimum and effective use of development resources, including advisory services.**

VIII. Recommendation

38. **The General Assembly may wish to take note of the above conclusions.**

Notes

[1] Funding of advisory services and related technical assistance activities under the regular budget began with General Assembly resolution 58 (I) of 14 December 1946, by which the Assembly authorized the Secretary-General to include in the budget of the United Nations for the year 1947 the funds necessary for the accomplishment of such a programme in the field of social welfare. Over the years, the activities have been developed further in their sectoral and regional dimensions. The sectoral advisory services were established by the Assembly in its resolution 200 (III) of 4 December 1948 and the regional advisory services by the Assembly in its resolution 2803 (XXVI) of 14 December 1971.

[2] *Official Records of the Economic and Social Council, 1979, Supplement No. 10* (E/1979/40 and Corr.1), chap. XXI, sect. P.

[3] Ibid., *1980, Supplement No. 12* (E/1980/42/Rev.1), chap. XI.

[4] General Assembly resolution 34/180, annex.

[5] General Assembly resolution 54/4, annex.

[6] See General Assembly resolution 55/2.

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Trends in extrabudgetary resources at the Economic Commission for Latin America and the Caribbean and the impact on its capacity to carry out the programme of work

Report of the Secretary-General**

Summary

The General Assembly in its resolution 56/253 of 24 December 2001, requested the Secretary-General to submit to the Assembly at its fifty-seventh session concrete proposals to address the impact of declining extrabudgetary resources for the Economic Commission for Latin America and the Caribbean. The present report is submitted in response to that request.

* A/57/150.

** The delayed submission is attributable to the extensive consultations required to finalize the report.

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I. Introduction

1. The General Assembly, in its resolution 56/253 of 24 December 2001, part V, section 19, paragraph 121, requested the Secretary-General to submit to the Assembly at its fifty-seventh session concrete proposals to address the impact of declining extrabudgetary resources for the Economic Commission for Latin America and the Caribbean (ECLAC). The present report is submitted in response to that request. Section II contains a review of the evolution of extrabudgetary resources at ECLAC while reflecting on experience during the three preceding biennia; section III provides information on the main sources of ECLAC extrabudgetary resources in the biennium 2000-2001; section IV discusses various factors that restrict the possibilities for expanding and diversifying ECLAC extrabudgetary resources; and section V draws conclusions for action by the General Assembly.

II. Evolution of biennial extrabudgetary resources of the Commission

2. The overall orientation of extrabudgetary resource mobilization at ECLAC is determined by and is intended to complement the United Nations regular budget resources provided ECLAC to meet the demands stemming from its work programme commitments as defined by member Governments at the time of adoption of the programme of work during the biennial sessions of the Commission. Moreover, a priority-setting exercise of ECLAC's work programme at the output level is conducted regularly by an open-ended ad hoc working group established pursuant to ECLAC resolution 553 (XXVI). This group has been empowered to define priorities for the work programme and recommend to the Commission strategic directions for its future activities, taking into account the development priorities of Latin America and the Caribbean, as well as budgetary considerations. In turn, the United Nations medium-term plan for any given period provides the legal framework which determines the overall thrust and strategic orientation for all substantive undertakings of the Commission.

3. Against that backdrop, and inspired by the objective of achieving the most value in terms of relevant outputs from the level of resource provided, the data in table 1 indicate that ECLAC has been able to increase extrabudgetary resource execution during the past three biennia.

Table 1
Evolution of ECLAC extrabudgetary actual expenditure during the past three biennia

(United States dollars)

Source of extrabudgetary funds	*1996-1997 actual expenditures*	*1998-1999 actual expenditures*	*2000-2001 actual expenditures*
Bilateral sources	11 019 421	13 336 994	15 594 618
United Nations system	2 973 821	2 734 636	2 703 107
Multilateral sources	2 504 758	1 474 870	1 760 547
Total	**16 498 000**	**17 546 500**	**20 058 272**

4. An initial perusal of the data provided in table 1 would lead one to question the request of the General Assembly, in its resolution 56/253, for concrete proposals to address the impact of declining extrabudgetary resources for ECLAC, since the data show that there has been a steady increase in ECLAC extrabudgetary expenditure from the biennium 1996-1997 through 2000-2001. Table 2 below is therefore provided to provide further details on the trends in ECLAC extrabudgetary resources, by making comparisons between the initial estimates and the actual expenditures from the biennium 1996-1997 through 2000-2001. The estimate for the biennium 2002-2003 is included to substantiate the conservative approach utilized when drawing up the biennial proposed programme budget estimates.

5. A comparison of the expenditure for the 1998-1999 biennium with the initial estimate for the 2002-2003 biennium reveals a projected reduction of 3.7 per cent. The variation can be explained by the inherent uncertainty involved in making projections based on pledges two years in advance of actual execution of the programme of work. In addition, other factors, such as the relatively strong exchange rates of other currencies vis-à-vis the United States dollar at the time of formulation of the proposed programme budget, invalidate a simple extrapolation of a one-time estimation to shape a trend into the future.

Table 2
Comparison of the proposed programme budget estimates with actual expenditures
(United States dollars)

Component	*1996-1997*	*1998-1999*	*2000-2001*	*2002-2003*
Proposed programme budget estimates	17 650 500	15 920 100	16 150 600	16 896 500
Actual expenditures	16 498 000	17 546 500	20 058 272	
Difference between proposed programme budget and actual expenditure	(1 152 500)	1 626 400	3 907 672	
Percentage difference between proposed programme budget and actual expenditure	(6.5)%	10.2%	24.2%	

A. Overall context of extrabudgetary resource trend in the Commission

6. The principal features of ECLAC extrabudgetary contributions may be outlined as follows:

(a) An increasingly important role is being played by joint funding arrangements with donor countries of the region, whereby the country contributes, together with external donors, to the establishment of technical cooperation funds.

(b) International donors (national Governments as well as multilateral agencies) tend to favour, more than in the past, programmes that are broad in scope and involve relatively large volumes of funds, or projects that have several phases of implementation. These trends have an effect on project design and operations, as donors avoid funding isolated initiatives, however important they may be.

(c) There is a tendency to prefer projects that are executed at the country level. This preference does not necessarily mean that international executing agencies are displaced or excluded; rather, the technical capacities of local, national and regional executing agencies often complement each other. In this instance, ECLAC has been able to make valuable substantive contributions drawing from its comparative advantages in terms of its regional approach to development strategies and issues and the experience accumulated on best practices covering various fields of specialization.

(d) Nowadays, more so than before, donors tend to view their cooperation projects and programmes as joint undertakings, (or partnerships), with the agencies receiving technical cooperation funds. In the continuous dialogue between ECLAC and its main contributors, the donors' technical teams have become increasingly involved in the planning, follow-up and evaluation phases of cooperation projects and programmes.

(e) A gradual change has also come about with regard to issues intended to be addressed by the donor community's technical cooperation machineries. Donors' political priorities have always had a bearing on their cooperation activities and on the way they channel the corresponding funds. Nowadays, however, they increasingly tend to focus on two cross-cutting dimensions. The first of these is poverty eradication. This has become a core issue within an integrated framework of social policies, which increasingly pinpoint different types of discrimination as causes of poverty. The second dimension emerging as a priority on donors' agendas is the set of issues concerning consolidation of democracy and modernization of the State. Both dimensions have contributed to substantively improve the orientation of international cooperation programmes and have increasingly brought them into alignment with the needs and concerns of recipient countries. As a result, technical cooperation is currently more closely related to core issues within civil society at the national and regional levels. The fact that donors themselves are working more closely with their own non-governmental organizations builds on this trend and adds a new degree of proactivity, which improves the relevance of projects and programmes.

B. Experience in extrabudgetary resources: mobilization of ECLAC in the 2000-2001 biennium

7. In the biennium 2000-2001, the total amount of actual extrabudgetary expenditure by ECLAC for projects executed under technical cooperation trust fund arrangements reached $20,058,272. The major categories or sources were: (a) Latin American and Caribbean countries, $8,174,556; (b) developed donor countries, $4,696,166; (c) United Nations Development Programme (UNDP)/United Nations Population Fund (UNFPA), $2,703,107; (d) members of the Latin American and the Caribbean Institute for Economic and Social Planning (ILPES), $2,090,659; (e) Inter-American Development Bank (IDB) and other multilateral donors, $1,760,547; and (f) other sources, $633,237. The total amount is significantly higher than the average biennial expenditure in the previous two biennia, of the order of $17,022,250 (see annex).

8. This substantial increase was made possible by the continuous efforts of ECLAC to mobilize extrabudgetary resources by strengthening existing cooperation links with traditional development cooperation partners and at the same time broadening the range of donor sources to include non-traditional contributors, such as some national Governments, local governments, NGOs, research institutes, universities, foundations and other development cooperation institutions. In particular, ECLAC compensated for the adverse medium-term trend of UNDP/UNFPA funding for regional programmes with increased execution of technical cooperation at the country level, tapping the UNDP/UNFPA resources for country programmes.

9. It is important to note, however, that a considerable part of the increase recorded for the 2000-2001 biennium was attributable to the extraordinary injection of funds from multi-year and large-scale projects, such as those on Urban Management, Growth and Equity, Bi-alphabetization and Enterprise Development, among others. This fact, in addition to recent macroeconomic restrictions and exchange rate devaluations in many of the Latin American and Caribbean donor countries, invalidates any simple extrapolation into the future.

10. The Commission's extrabudgetary resource base has traditionally depended on a few major donors, which makes it vulnerable to changes in funding policies or the performance of national economies, as in the case of contributions from countries. Some illustrative figures in this regard are those of the contributions of UNDP and UNFPA, which jointly accounted for almost 30 per cent of the total extrabudgetary expenditure of ECLAC in the 1992-1993 biennium. This participation decreased to only 13.4 per cent in the biennium 2000-2001.

III. Main sources of the extrabudgetary resources of the Commission in the biennium 2000-2001

11. The extrabudgetary resources of ECLAC are mainly of bilateral origin. For the 2000-2001 biennium, they amounted to about $15,594,618 and represented about three fourths of the total expenditures. This group of donors include developed country Governments, which contributed about $4.7 million. Latin American and Caribbean countries also contributed substantially to technical cooperation projects, to the operating budget of ILPES and towards the cost of ECLAC national offices, with a total amount of $10.3 million. Other bilateral sources accounted for $0.6 million (see annex).

12. The multilateral sources (about $4.5 million in 2000-2001) made up the remaining one fourth of the total, the largest share of which came from the agencies and organizations of the United Nations system specifically UNDP/UNFPA — about $2.7 million. Other multilateral sources accounted for about $1.8 million, including the contributions from IDB, the European Union and others (see annex).

IV. Restrictions to expansion and diversification of extrabudgetary resources of the Commission

13. As mentioned above, ECLAC receives extrabudgetary contributions from various partners and donors, and can form associations with different kinds of institutions in projects of common interest falling within the priorities of its work programme. Such institutions may include governmental and non-governmental organizations, multilateral agencies and private foundations. Nonetheless, several factors restrict the possibility of further expanding and

diversifying ECLAC extrabudgetary funding, among them:

- Little flexibility as regards the required timing for receipt of contributions established in the United Nations financial rules and regulations, which is difficult to harmonize with the provisions of the disbursement regulations of many potential donors;

- High vulnerability of contributions originating in Latin American and Caribbean countries to macroeconomic performance and exchange rate variations. Since these contributions accounted for about one half of total extrabudgetary expenditure in 2000-2001, it is expected that currency devaluations would most likely have a significant impact on them during the 2002-2003 biennium.

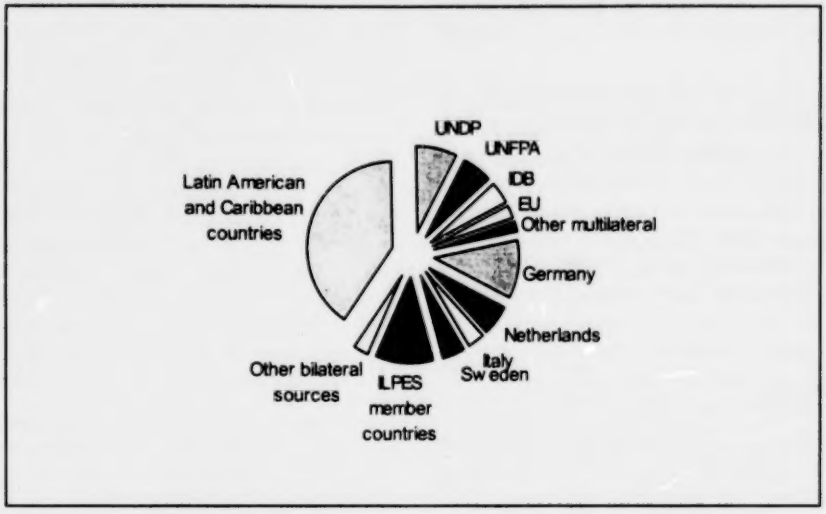
V. Conclusion

14. **The need for an increase in extrabudgetary resources for technical cooperation activities, commensurate with the needs of the developing countries in Latin America and the Caribbean, implies that extrabudgetary contributions from Governments, United Nations programmes and funds, multilateral financial institutions and other intergovernmental organizations should be further encouraged to ensure that funding arrangements are reinforced and made more stable over time. As can be noted from paragraph 13 above, certain factors impact the level of extrabudgetary resources available to implement technical cooperation activities. It is therefore proposed that ECLAC continue to keep under review the level of extrabudgetary resources available.**

15. **The General Assembly may wish to take note of the present report.**

Annex

Extrabudgetary expenditure by the Economic Commission for Latin America and the Caribbean in the 2000-2001 biennium by source of funding



Donor	*Extrabudgetary expenditure (in United States dollars)*
UNDP	1 621 184
UNFPA	1 081 923
IDB	861 146
EU	427 714
Other multilateral	471 687
Germany	2 092 212
Netherlands	1 080 327
Italy	642 969
Sweden	880 658
ILPES member countries	2 090 659
Other bilateral sources	633 237
Latin American and Caribbean countries	8 174 556
Total	**20 058 272**

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Inter-organizational security measures: framework for accountability for the United Nations field security management system

Report of the Secretary-General**

Summary

In section VIII of its resolution 56/255, of 24 December 2001, the General Assembly noted with concern the lack of an accountability and responsibility mechanism in the area of field security and requested the Secretary-General to submit, to its fifty-seventh session, a comprehensive report on the establishment of a clear mechanism of accountability and responsibility, including such provisions as its scope, depth and common standards and methods of enforcing them, in an inter-agency structure.

The present report outlines a framework for accountability for the United Nations field security management system, which was elaborated and agreed upon on an inter-agency basis by all the organizations of the United Nations system.

* A/57/150.

** The preparation of the present report was delayed to allow for the completion of inter-agency consultations on the issue.

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I. Introduction

1. In section VIII of its resolution 56/255, the General Assembly noted with concern the lack of an accountability and responsibility mechanism in the area of field security and requested the Secretary-General to submit, to its fifty-seventh session, a comprehensive report on the establishment of a clear mechanism of accountability and responsibility, including such provisions as its scope, depth and common standards and methods of enforcing them, in an inter-agency structure.

2. The present report was prepared in full consultation with the specialized agencies, programmes and funds of the United Nations system (hereinafter referred to as the agencies) during meetings of the Inter-Agency Security Management Network, and was approved by the High-Level Committee on Management on behalf of the United Nations System Chief Executives Board for Coordination. In preparing the report, agencies took into full account the Secretary-General's report on accountability to the General Assembly (A/55/270).[1]

II. Mission statement

3. The goal of the United Nations security management system is to enable the effective and efficient conduct of United Nations activities while ensuring the security and safety of staff as a high priority.

III. Identification of actors within the United Nations security management system and their responsibilities

A. Headquarters locations

1. Executive heads of United Nations agencies, programmes and funds

4. Responsibility for the management of the United Nations security management system rests with the Secretary-General, in his/her capacity as Chairman of the United Nations System Chief Executives Board for Coordination. Executive heads of United Nations agencies, programmes and funds will be responsible and accountable to the Secretary-General. The executive heads will:

(a) Assume their responsibilities for the safety and security of all personnel working for them;

(b) Ensure that provisions are made for the implementation of the United Nations security management system;

(c) Be responsible for resource allocation and the prioritization of security;

(d) Have an obligation to advocate in all available forums to ensure that Member States provide for the safety and security of all personnel employed by organizations of the United Nations system and their eligible dependants and that crimes against such personnel will not be tolerated and the perpetrators brought to justice;

(e) Support the United Nations security management system;

(f) Have a collective responsibility to work together to implement the United Nations security management system and to support the Secretary-General in ensuring that the legislative mandates given to him by the General Assembly are discharged;

(g) Ensure that all managers working for them not only support the Secretary-General but also discharge their responsibilities in ensuring compliance with the United Nations security management system;

(h) Have a "duty of care" to ensure that personnel employed by organizations of the United Nations system and their eligible dependants are not exposed to exceptional risk;

(i) Liaise closely with the United Nations Security Coordinator to ensure a coherent system-wide approach to security.

5. The executive heads have formalized the governance of security management for the United Nations system as a whole, as follows:

(a) A comprehensive review of policies and resource-related issues pertaining to the entire United Nations security management system should be a standing item on the agenda of the High-Level Committee on Management. The United Nations Security Coordinator or his/her designated representative should participate in such discussions;

(b) The High-Level Committee on Management will be supported by the Inter-Agency Security Management Network, consisting of the senior managers who have oversight of the security functions within their agency;

(c) The Inter-Agency Security Management Network, which will be chaired by the United Nations Security Coordinator, will meet at least once a year to review all existing and proposed policies, procedures and practices of the United Nations security management system and report and make recommendations on these to the High-Level Committee on Management;

(d) Between annual meetings, the United Nations Security Coordinator may convene working group meetings among interested organizations to discuss specific security issues. The reports of the working groups will be provided to the Inter-Agency Security Management Network for review and endorsement;

(e) The Inter-Agency Security Management Network will monitor the implementation of United Nations security management policies, practices and procedures by all actors of the United Nations system, including the budget, and report and make recommendations thereon to the High-Level Committee on Management;

(f) The High-Level Committee on Management will review the recommendations made by the Inter-Agency Security Management Network and either decide on them or recommend to the United Nations System Chief Executives Board for Coordination how they should be implemented.

2. The United Nations Security Coordinator and his/her Office

6. The responsibilities of the United Nations Security Coordinator, who is accountable to the Secretary-General, and of his/her Office will be outlined in a forthcoming bulletin of the Secretary-General, which will define the functions, structure and organization of the Office, the responsibilities of the Head of the Office and the functions and responsibilities of line managers and subsidiary units, as well as the lines of accountability of the United Nations Security Coordinator and each senior staff member.

3. Senior security manager and/or headquarters security focal point

7. Within each agency, one individual is appointed as the senior security manager and/or headquarters security focal point, with oversight of the security functions. This individual, who is accountable to his/her respective executive head, is critical to ensure good coordination between the headquarters/field offices of the agency and Office of the United Nations Security Coordinator (UNSECOORD) and has the following responsibilities:

(a) Advising the executive head on security matters and keeping him/her updated on security management issues;

(b) Ensuring that country representatives of the agency participate fully on the security management team, as applicable;

(c) Working in close association with UNSECOORD and other members of the Inter-Agency Security Management Network and supporting the United Nations Security Coordinator in the discharge of his/her responsibilities;

(d) Providing assistance to field representatives for implementation of Minimum Operating Security Standards (MOSS), including Minimum Telecommunication Standards (MITS) (the telecommunications component of MOSS), as applicable;

(e) Assisting/supporting in the mobilization of resources to assist field offices in implementation of security requirements;

(f) Serving as a member of the Inter-Agency Security Management Network;

(g) Ensuring that all persons employed by organizations of the United Nations system and eligible dependants of the agency are provided with security training and briefings;

(h) Disseminating information and education regarding security matters;

(i) Ensuring that policies and procedures with respect to security clearances are complied with.

B. Field locations

1. Designated officials

8. In each country where the United Nations is present, one official is appointed as the designated official for security. Designated officials are normally United Nations resident coordinators. Special Representatives of the Secretary-General, Executive Secretaries of the Regional Commissions or country representatives of United Nations agencies, programmes and funds may also be appointed as designated officials, depending on the particular circumstances at the duty station. This individual is accountable to the Secretary-General through the United Nations Security Coordinator. The responsibilities of the designated official are as follows:

(a) Ensuring the observance of the arrangements detailed in the United Nations Field Security Handbook and developing and implementing the security plan for the duty station with the aim of maintaining the security and safety of United Nations system personnel and operations. The plan will include the identification and investigation of a number of feasible options for the safe movement of all the personnel employed by organizations of the United Nations system and their eligible dependants within the country, or to a designated country of relocation, should relocation or evacuation become necessary;

(b) Recommending to UNSECOORD a suitable nomination to act as designated official ad interim. Such appointees normally will be the head of an agency, programme or fund;

(c) Keeping the Secretary-General informed, through the United Nations Security Coordinator, of all developments in the country that might have a bearing on the security and protection of the personnel employed by organizations of the United Nations system and their eligible dependants and their property, or that of the organizations. In the event that operational matters affect security or inter-agency security issues, this information must be communicated to the United Nations Security Coordinator;

(d) Implementing any arrangements decided by the Secretary-General in support of the host Government's measures for the security and protection of personnel employed by the organizations of the United Nations system, their eligible dependants and their property and of the organizations' property; maintaining liaison with the Government of the host country on matters concerning the security and protection of these individuals;

(e) Ensuring the regular functioning of the security management team and identifying staff members who will have special responsibilities in this regard;

(f) Ensuring that there is a fully integrated functioning and operational communications system for security management;

(g) Developing and implementing, together with the security management team, Minimum Operating Security Standards (MOSS), which include Minimum Telecommunication Standards (MITS), for all United Nations operations throughout the country;

(h) Appointing, together with the security management team, area coordinators and wardens and verifying that the team has adequately trained and equipped them; providing their parent agency with input for the individual's performance appraisal;

(i) Ensuring that all persons employed by organizations of the United Nations system are appropriately equipped with required safety and security equipment as specified in the MOSS and trained in its use;

(j) Keeping the members of the security management team as well as the senior officials of each agency at the duty station (as applicable) fully apprised of all security-related information and measures being taken in the country;

(k) Establishing a briefing system that will ensure that all personnel employed by organizations of the United Nations system and their eligible dependants are advised of specific precautionary measures that they should take in relation to the security plan, and ensuring that all such personnel receive adequate and appropriate security training;

(l) Including staff members and the eligible dependants of intergovernmental and non-governmental organizations that have signed the memorandum of understanding in security arrangements at the duty station;

(m) Ensuring collaboration on security with intergovernmental and non-governmental organizations

working as operational partners of the United Nations in accordance with established guidelines;

(n) Submitting all required reports to UNSECOORD, as outlined in the United Nations Field Security Handbook;

(o) Ensuring that the special arrangements, agreed on an inter-agency basis to be implemented when internationally recruited personnel are evacuated, are in place for locally recruited personnel to include options for relocation within the country, as required;

(p) In an emergency where it has not been possible to communicate with the Secretary-General, the designated official is authorized to use his/her best judgement in carrying out relocations/evacuations and reporting to the Secretary-General through UNSECOORD immediately thereafter.

2. Field security coordination officers

9. Field security coordination officers are security professionals appointed to advise the designated official and the security management team in their security functions. The officers are hired based on agreed inter-agency criteria. Field security coordination officers are accountable to the United Nations Security Coordinator. They report concurrently to UNSECOORD and to the designated official, who is responsible for the day-to-day management of the officers. In the absence of a professional field security coordination officer, the designated official shall appoint a country security focal point for the security management team to ensure that the functions outlined below are implemented. Some field security coordination officers have regional responsibilities covering more than one duty station. They shall be called regional field security coordination officers and they will be responsible for ensuring that the functions outlined below are implemented in each of the countries for which they are responsible. Some duty stations may have more than one field security coordination officer assigned. They shall be nominated as deputy field security coordination officers or assistant field security coordination officers and will work under the supervision of and be accountable to the field security coordination officers.

10. All field security coordination officers are responsible for:

(a) All aspects of security management, crisis readiness and preparedness at their respective duty stations;

(b) Serving as principal adviser to the designated official and the security management team in the execution of responsibilities with regard to the security of personnel employed by organizations of the United Nations system and their eligible dependants and property;

(c) Cooperating closely on security matters with all other offices of the United Nations system at the duty station to ensure the best possible coordination;

(d) Establishing and chairing a security coordination cell for duty stations where there are also single-agency security officers in order to ensure that all security officers at a duty station are working together to further inter-agency security coordination;

(e) Preparing, maintaining and updating the country-specific security plan, contingency plans and security listings of personnel employed by organizations of the United Nations system and their eligible dependants;

(f) Undertaking risk/threat assessments for all locations at the duty station where personnel employed by organizations of the United Nations system and their eligible dependants are present;

(g) Developing good contacts with national law enforcement agencies, with a view to obtaining the best possible protection for personnel employed by organizations of the United Nations system and their eligible dependants and their property;

(h) Ensuring that all security and communications equipment is in good repair;

(i) Ensuring that all personnel employed by organizations of the United Nations system and their eligible dependants receive local security training as necessitated by changes in the security environment;

(j) Ensuring that personnel employed by organizations of the United Nations system and their eligible dependants are kept informed of matters affecting their security and making appropriate arrangements for briefing newly arrived United Nations staff;

(k) Maintaining up-to-date, detailed instructions for personnel employed by organizations of the United Nations system and their eligible dependants on precautions they should take in relation to the implementation of the security plan, including a comprehensive listing of emergency supplies they should have on hand and guidance on the behaviour during a variety of emergencies, including natural disasters and political crises;

(l) Ensuring that plans for relocation/evacuation to a safe area are current, feasible and implementable;

(m) Reporting all cases in which personnel employed by organizations of the United Nations system and/or their eligible dependants have been victims of crime and submitting required reports on such cases;

(n) Conducting security surveys of residential areas and premises;

(o) Ensuring that the appropriate level of confidentiality is maintained with regard to security matters;

(p) Serving as a member of the security management team at the country level;

(q) Advising the designated official and the security management team on operational security requirements consistent with the MOSS.

3. Field security coordination assistants

11. Field security coordination assistants are locally recruited staff members who work under the supervision of and are accountable to the field security coordination officer. Field security coordination assistants are responsible for assisting the field security coordination officer and the designated official as follows:

(a) Liaising and coordinating with local government security organizations;

(b) Maintaining the security plan, including updating staff lists;

(c) Maintaining minimum operations security standards for equipment;

(d) Maintaining office security;

(e) Any other matters, as requested by the field security coordination officer or designated official.

4. Single-agency security officers

12. Single-agency security officers are security professionals hired by single United Nations agencies (Office of the United Nations High Commissioner for Refugees (UNHCR), United Nations Children's Fund (UNICEF), United Nations Development Programme (UNDP), World Health Organization (WHO) and the Office of the United Nations High Commissioner for Human Rights (OHCHR)) to advise country representatives regarding issues specific to the operations of that agency at the duty station. All security officers, irrespective of their funding agency, will work in direct support of the designated official as the sole authority for safety and security of personnel employed by the organizations of the United Nations system and their eligible dependants within the country. Single-agency security officers operate within the overall United Nations security framework and coordinate directly with the field security coordination officers and, through their head of agency, with the designated official and the security management team. They are thus accountable to the designated officials and the United Nations Security Coordinator as well as to their country representative. Single-agency security officers will be: recruited based on the standardized, agreed criteria for all security officers; cleared by UNSECOORD; and attend training provided for field security coordination officers by UNSECOORD.

13. A single-agency security officer, in addition to his/her agency-specific responsibilities, is responsible for:

(a) Advising and assisting the agency country representative on his/her security responsibilities;

(b) Advising and assisting the area security coordinator or designated official in the discharge of his/her responsibilities, when requested to do so;

(c) Participating as a member of the security cell established by the field security coordination officer;

(d) Ensuring that personnel are trained and briefed on security matters within existing security policy and procedures;

(e) Ensuring that security procedures and policies are adhered to at all times;

(f) Reviewing the residential security measures in place for all international personnel of the agency;

(g) Acting as the field security coordination officer, if requested to do so by the designated official;

(h) Reporting all security incidents to the designated official.

5. Representatives of agencies, programmes and funds participating in the United Nations security management system

14. Representatives of agencies (the "country representative" or "agency head" of a United Nations agency, programme or fund) participating in the United Nations security management system are accountable to the Secretary-General through their executive heads, under the overall guidance of the United Nations Security Coordinator, for all matters related to the security of their personnel at the duty station.

15. Representatives of agencies participating in the United Nations security management system shall be responsible for:

(a) Serving as members of the security management team;

(b) Being responsible for the safety and security of personnel employed by their organizations at the duty station and their eligible dependants and for the implementation of the security plan;

(c) Ensuring that safety and security is a core component of all programmes at the duty station and that appropriate funding is provided based on need;

(d) Consulting with and assisting the designated official on all matters concerning security and the implementation and maintenance of both the security plan and MOSS and for compliance with both;

(e) Ensuring full and complete compliance by his/her personnel and eligible dependants with all security-related instructions;

(f) Ensuring that all his/her personnel attend appropriate security awareness training and briefing;

(g) Personally attending all training programmes;

(h) Ensuring that personnel have adequate and operating communications equipment in line with MOSS;

(i) Ensuring that the designated official is provided on a regular basis with updated lists of all personnel employed by the agency and their eligible dependants in the area;

(j) Ensuring that the designated official is at all times informed of the whereabouts and movements of the agency's personnel and eligible dependants in the area in accordance with procedures established at the duty station;

(k) Reporting to the designated official all security-related incidents;

(l) Ensuring that movement of all personnel is undertaken in accordance with United Nations rules and procedures;

(m) For internationally recruited personnel employed by the agency who are nationals of the country serving elsewhere or who have been assigned to a nearby non-family duty station and who have left their dependants in the country, ensuring that such dependants are included in security arrangements;

(n) Ensuring that arrangements are in place for intergovernmental/non-governmental organizations working as operational partners with United Nations agencies.

6. Security management team

16. The security management team shall consist of the country representatives of each United Nations agency, programme and fund present at the duty station who advise the designated official on all security-related matters. Members of the team are accountable to their executive heads for the discharge of the mandate of their respective agencies. In addition, members of the security management team have a collective responsibility to support the designated official in the discharge of his/her mandate related to the safety and security of all staff, irrespective of the agency. Under the overall authority of the Secretary-General, through the United Nations Security Coordinator and the designated official at the duty station, the security management team has a collective responsibility for:

(a) Working in close collaboration with the designated official;

(b) Meeting on a regular basis to review the prevailing situation and to ensure that security is being managed effectively at the duty station;

(c) Ensuring that there is a functioning and effective security plan that is maintained and implemented for each location in the country where personnel employed by organizations of the United Nations system and their eligible dependants are present;

(d) Ensuring that lists of personnel and their eligible dependants are up-to-date;

(e) Ensuring that each area security coordinator and warden is trained and equipped to carry out his/her functions and to ensure that they understand fully and implement the complete range of these responsibilities;

(f) Establishing MOSS at the duty station, monitoring its implementation and ensuring compliance by all personnel employed by organizations of the United Nations system and their eligible dependants;

(g) Ensuring that resources are available to implement all measures that are approved;

(h) Providing input to the performance appraisal of all security officers employed in the country by the United Nations system, where they have staff operating.

7. Area security coordinators

17. Area coordinators are staff members appointed by the designated official and the security management team in areas of larger countries that are separated from the capital in terms of both distance and exposure in order to coordinate and control security arrangements in their area of responsibility. Area coordinators are appointed in writing by the designated official, in consultation with the security management team. Area coordinators are accountable to the designated official for their security-related functions, irrespective of their employing agency. The performance of the area security coordinator shall be reflected in the individual's performance appraisal. Duty time required to carry out area security coordinator responsibilities will be provided by the employing agency as determined at the field level by the designated official and the security management team.

18. Area coordinators are responsible for:

(a) Acting on behalf of the designated official, from whom they have delegated responsibility, to coordinate and control the security arrangements for sub-office operations outside the capital;

(b) Appointing wardens for their area of responsibility;

(c) Developing area-specific security plans;

(d) Maintaining lists of personnel employed by organizations of the United Nations system and their eligible dependants at their location;

(e) Implementing MOSS;

(f) Keeping the designated official systematically informed regarding incidents or developments in their area of responsibility that have a bearing on the security and safety of personnel employed by organizations of the United Nations system and their eligible dependants.

8. Wardens

19. Wardens are appointed by the designated official and the security management team to ensure proper implementation of the security plan in a predetermined zone of a large city. Wardens are appointed, in writing, by the designated official in consultation with the security management team. Wardens are accountable to the designated official for their security-related functions, irrespective of their employing agency. Duty time required to carry out warden responsibilities will be provided by the employing agency as determined at the field level by the designated official and the security management team. The performance of the warden should be reflected in the individual's performance appraisal.

20. Wardens are responsible for:

(a) Functioning as a channel of communication between the designated official and personnel employed by organizations of the United Nations system and their eligible dependants in his/her zone;

(b) Ensuring that such personnel are regularly informed with regard to security arrangements and the emergency phases in effect;

(c) Ensuring that instructions on precautionary measures are being followed;

(d) Ensuring that one person is designated to maintain contact with United Nations visitors residing temporarily at residences or hotels within the warden's zone;

(e) Carrying out other security-related duties as assigned by the designated official or the field security coordination officer;

(f) For internationally recruited staff who are nationals of the country serving elsewhere or who have been assigned to a nearby non-family duty station and who have left their dependants at the duty station, ensuring that such dependants are included in security arrangements;

(g) Visiting every family living in their area to ensure that they are aware of security arrangements.

9. Persons employed by organizations of the United Nations system and their eligible dependants

21. All personnel employed by the organizations of the United Nations system are responsible for their own safety and security, irrespective of their location of assignment. Persons employed by organizations of the United Nations system are accountable to their country head of agency and executive head of agency.

22. Personnel employed by organizations of the United Nations shall be responsible for the following:

(a) Familiarizing themselves with information provided to them regarding the United Nations security management system at their location;

(b) Receiving security clearance prior to travelling;

(c) Attending security briefings and signing a document certifying that they have been briefed;

(d) Knowing who their warden and/or agency security focal point is;

(e) Being appropriately equipped for service at the duty station;

(f) Applying and complying with all security regulations and procedures at the duty station, whether on or off duty;

(g) Comporting themselves in a manner which will not endanger their safety and security or that of others.

IV. Mechanisms to implement accountability

23. In order to enforce and monitor accountability of the performance of responsibilities related to the United Nations field security management system, a number of mechanisms have been established and must be implemented. While the security policy of the United Nations system continues to be promulgated in the United Nations *Field Security Handbook*, in order to ensure accountability, all agencies will develop an organizational policy statement incorporating the principles of accountability and outlining the roles and responsibilities of each individual in the security management system adapted to the specific organizational structure of the agency (see annex). This will decrease the potential for varying interpretations and applications of security measures, which can lead to errors, and also provide a more effective basis for accountability within each organization.

A. Selection of individuals who will be given security responsibilities

24. It is critical that each individual who is given responsibilities in the security management system at the field level have identified core competencies. All agencies will be guided by the following competency requirements for the security functions at the different levels:

(a) The core competencies of designated officials shall be: integrity, accountability, judgement and decision-making, communications, planning and organizing, team-building, strategic vision, managing sensitive issues, managing decisions, delegating, leadership, empowering others, building trust and managing performance;

(b) Agency representatives at the country level shall have core competencies similar to those identified for designated officials;

(c) The core competencies of field security coordination officers and single agency security officers shall be: integrity, accountability, strategic vision, analytical thinking, leadership, empowering others, building trust, sensitivity, communications, teamwork, planning and organizing, creativity, social awareness and interpersonal skills;

(d) The core competencies of area coordinators and wardens shall be: integrity, accountability, leadership, managing sensitive issues, organizing, team-building, communications, planning, interpersonal skills.

B. Self-learning by/training of all individuals who have security responsibilities

25. Security and stress management training provided by UNSECOORD and individual agencies is mandatory for all personnel employed by the organizations of the United Nations system. In addition, specialized security management training is mandatory for all managers and field security coordination officers. This training can be accomplished by various methods. It is recognized that there are different levels of security training required by different categories of staff, based on their functions, as outlined below.

26. The contents of all security-related training and training materials shall be standardized by UNSECOORD to ensure a consistent security message is provided to all personnel. Agencies must ensure that such standardization is respected. All agencies must include security as part of their induction training for new personnel. In addition, security training/briefing at the field level is an essential component of field operations.

27. Each organization shall ensure that certification is provided to all individuals who participate in the security training and a security training record established. Heads of agencies at the duty station must ensure that all personnel employed by organizations of the United Nations system are so certified.

1. Senior security manager and/or headquarters security focal points

28. Security management training is essential for those senior security managers and/or headquarters security focal points who assume such responsibilities. UNSECOORD will provide security and stress management training and refresher training for all senior security managers and/or headquarters security focal points. Agencies will be responsible for ensuring that their respective senior security manager and/or headquarters security focal point receives such training and will also be responsible for ensuring that relevant competencies identified above are reinfo through such training.

2. Designated officials and members of the security management team

29. Security and stress management training mandatory for all designated officials and member the security management team. Individuals who selected to serve as designated officials or as mem of the security management team must receive secu management training at the first available opportu While each agency is responsible for provi appropriate security training to its senior manag UNSECOORD will continue to provide this spe training to designated officials and secu management teams at field locations.

3. Field security coordination officers and agen specific security officers

30. Field security coordination officers shall provided with induction orientation by UNSECO prior to assuming their responsibilities at the station. Field security coordination officers shall be provided with periodic training to keep them up date with regard to new developments in the fiel security management. UNSECOORD will inc agency specific security officers in its induc orientation, upon request, and will routinely inc them in all periodic and specialized training, appropriate. To ensure duty stations can a compliance with their respective MOSS, field secu coordination officers will be required to con security training of staff at each duty station.

4. Area security coordinators and wardens

31. Area security coordinators and wardens shal provided with training in how to carry out functions by UNSECOORD. This training shal conducted by field security coordination officers will be augmented by UNSECOORD training missi

5. Personnel of the United Nations system

32. It shall be the responsibility of each agency o United Nations system to ensure that its respec personnel are provided with adequate and approp security awareness and stress management trai This training can be accomplished in a numbe

ways. A "Basic Security Awareness" CD-ROM will be completed and distributed in January 2003. All personnel employed by organizations of the United Nations system will be required to complete the security awareness training on this CD-ROM. Based on their completion of this training, persons employed by organizations of the United Nations system will be required to take a computer-generated test and receive a certificate generated by the computer programme that will be recorded in their personnel file. It will be the responsibility of country representatives to ensure that all persons employed by organizations of the United Nations system and eligible dependants at the duty station are security-certified.

33. Upon arrival at the duty station, all personnel will receive a duty-station specific security briefing by the field security coordination officer and will acknowledge receipt of this briefing in writing. In addition, all personnel employed by organizations of the United Nations system will undergo other country specific security training required in accordance with its MOSS and will receive a certificate of completion.

C. Performance management

34. Performance management is a key component of any system of accountability. It shall be the duty of each agency of the United Nations system to incorporate security responsibilities into the job descriptions of every staff member in the field who has a security mandate. The performance appraisal of each individual shall include an evaluation of how well they are performing these functions.

35. Designated officials shall be required to prepare and submit to UNSECOORD a yearly security management plan identifying goals to be achieved along with measurable performance indicators. The attainment of these goals will be considered by UNSECOORD as part of the review of the person's performance as designated official. In this connection, UNSECOORD shall provide to either the United Nations Development Group Office and the Administrator of UNDP or to the executive head of the individual's parent agency, an assessment of the individual's performance as designated official to be included in the person's overall performance appraisal.

36. For members of the security management teams, the executive heads or their nominees should seek the views of the designated official and UNSECOORD in evaluating the performance of their respective representatives who serve on such teams.

37. For field security coordination officers, performance appraisals shall be undertaken by the designated official in consultation with the security management team; each head of agency at the duty station will be expected to provide a written assessment of the field security coordination officer for inclusion in the performance appraisal.

38. For area coordinator and wardens, the performance appraisal carried out by their parent agency shall include a notation that they served in this capacity, as well as an evaluation of their performance.

D. Inspection and review — lessons learned

39. Monitoring of security management is central to the assessment, prevention and correction of errors or irregularities. UNSECOORD will therefore undertake compliance and inspection missions to verify that all actors of the United Nations system at a particular duty station are carrying out their security-related functions. A checklist, which has been established for every category of staff, will form the basis for review. This checklist will be provided to all designated officials and security management teams so that they have a full understanding of the scope of the inspection.

40. Upon completion of the review, the inspection team will brief the designated official and security management team on its findings and will set a date by which all identified shortcomings must be corrected. The report of the team will also be provided to the senior security manager and/or headquarters security focal point. A return visit to the duty station will be scheduled to confirm that the identified shortcomings have been corrected. In the event they have not, a report will be provided to the executive heads of United Nations agencies, as well as to the High-Level Committee on Management, advising that the duty station is not in compliance with existing United Nations rules and procedures governing field security management.

41. The ability of the agencies to identify and address risk factors and learn from past mistakes is critical to good security management. In this connection, UNSECOORD will undertake an annual review of all

major security incidents to establish lessons learned and to identify both shortcomings and good practices. These will be disseminated to all agency headquarters.

E. Establishment of a system of incentives

42. It is impractical to establish a stand-alone system of incentives that apply only to the field security management system. In addition, due regard must be taken of the different staff rules and regulations, systems of performance appraisal and administration of justice, which differ from agency to agency. Many of the existing staff rules and regulations within the United Nations system already make provision to address these concerns. However, unlike some other parts of the United Nations system, in the field of security compliance, lives of personnel employed by organizations of the United Nations are at stake. In order to be consistent and effective, any system of incentives must be applied and implemented across the board by all United Nations agencies, programmes and funds. Incentives are therefore required to reward good performance and correct non-fulfilment of responsibilities. Minimum standards of professional behaviour that emphasize both individual and agency accountability must be identified.

43. In an effort to keep staff motivated in the area of security compliance, innovative ideas are required, including distinguished service awards, letters of appreciation and certificates to reward good performance.

44. Non-fulfilment of responsibilities must be identified, with a corresponding set of measures to be taken by the agency. Three stages of non-fulfilment of responsibilities have been identified as follows:

(a) Non-fulfilment of responsibilities resulting in negative impact on operations;

(b) Non-fulfilment of responsibilities resulting in loss of or damage to property;

(c) Non-fulfilment of responsibilities resulting in serious injury or loss of life.

45. In the event of a security incident involving serious injury or loss of life, UNSECOORD will undertake an investigation and will provide a copy of its report to the executive head of the relevant agency for appropriate action. It is expected that a report on the actions taken in this regard by the relevant agency will be provided to the High-Level Committee on Management.

V. Conclusions and recommendations

46. **The new mechanism of accountability and responsibility in the area of field security was established shortly after the General Assembly, in section VIII of its resolution 56/255 of 24 December 2001, decided on the new security management system for the United Nations and related personnel operating in the field. The new mechanism designs roles and responsibility at all levels of the security management system and provides for comprehensive monitoring and evaluation of its functioning.**

47. **The Secretary-General is confident that the new mechanism of accountability and responsibility in the area of field security ensures that the United Nations field security management system functions effectively and that staff responsible for the security of United Nations operations and personnel in the field are held accountable for both their actions and inaction.**

48. **The General Assembly may wish to take note of the mechanism of accountability and responsibility in the area of field security that is currently in place.**

Notes

[1] The Department of Peacekeeping Operations has indicated that it would review and incorporate peacekeeping personnel into the framework for accountability following the preparation of a protocol defining the lines of responsibility and accountability between the Department of Peacekeeping Operations and the Office of the United Nations Security Coordinator (UNSECOORD) as they relate to peacekeeping operations.

Annex

Generic security policy statement

I. Introduction

1. This policy is designed to be implemented in parallel with existing United Nations policies, practices and procedures (see also para. 23 of the framework for accountability) contained in the following publications:

(a) United Nations Field Security Handbook, 1 January 1995 (under revision)

(b) Office of the United Nations Security Coordinator (UNSECOORD) security directives

(c) United Nations Security and Operations Manual, 1995

(d) Staff Rules and Regulations of the United Nations, and/or of each individual agency.

2. Additionally reference is also made to a number of other publications/documents:

(a) Security in the Field (UNSECOORD), 1998

(b) United Nations Security Awareness Booklet (UNHCR), 1995

(c) Terms of reference outlining the governance mechanism applied to the United Nations security management system as approved by High-Level Committee on Management at its meeting in September 2001 (see para. 5 of the framework for accountability).

II. General

3. The primary responsibility for the security and protection of personnel employed by organizations of the United Nations system, their eligible dependants and property and of the agency's property, rests with the host government.

4. Responsibility for the management of the United Nations security management system rests with the Secretary-General, as Chairman of the United Nations System Chief Executives Board for Coordination (CEB). Executive heads of United Nations agencies, funds and programmes (hereafter referred to as agencies) will be accountable to the Secretary-General.

5. The Secretary-General and the executive heads will be supported by the United Nations Security Coordinator and his/her office. The identification of all actors within the United Nations security management system, together with their respective roles and responsibilities, will be outlined in an annex to the present document.

6. All United Nations agencies will fully support the United Nations Security Coordinator in the discharge of his/her responsibilities and will actively participate in the development of policies and procedures and their implementation and compliance, as set out in the terms of reference of the United Nations security management system governance mechanism.

7. The term "personnel" refers to both internationally and nationally recruited personnel employed by organizations of the United Nations system, regardless of contractual status. The term "country representative" refers to the head of any United Nations agency, programme or fund in a specific country. All personnel employed by organizations of the United Nations system are expected to adhere to security rules, regulations and procedures. Personnel employed by organizations of the United Nations system who do not comply with these rules, regulations and procedures will be held responsible in accordance with the staff rules and regulations of their respective organization.

III. Organizational

8. As it relates to their agency, executive heads or their deputies have the overall responsibility for the safety and security of their personnel. This responsibility is, however, also shared by all managers at headquarters, regional and country offices, who are accountable for the personnel they supervise.

9. The executive heads and their deputies will appoint a senior security manager and/or headquarters security focal point to assist them in this task. He/she will be responsible for coordinating the agency's day-to-day response to safety and security and providing all the relevant actors with advice, guidance and technical assistance. The senior security manager and/or

headquarters security focal point shall monitor security issues in all locations where personnel operate and ensure that they are provided with the necessary training and equipment. The senior security manager and/or headquarters security focal point shall further encourage compliance, on behalf of the executive head, with regard to all United Nations security policy and procedures, as detailed in the references listed, as well as in regard to any additional individual organizational security directives.

10. In all respects, the organizational senior security manager and/or headquarters security focal point will operate in support of UNSECOORD and within the framework of the United Nations security management system. He/she will also represent the organization at the Inter-Agency Security Management Network within the agreed terms of reference for the governance mechanism.

11. Any personnel employed by the organization who do not comply with security instructions as highlighted above shall be required to explain in writing their non-compliance through the senior security manager and/or headquarters security focal point and their immediate supervisor to the executive head.

12. The senior security manager and/or headquarters security focal point shall ensure that all candidates for employment as professional field security officers within the single-agency are screened and approved for deployment by UNSECOORD in accordance with an inter-agency agreement. The United Nations Security Coordinator shall verify that professional field security staff are trained, updated on United Nations procedures and receive technical guidance in the conduct of their duties.

13. In support of UNSECOORD, senior security managers and/or headquarters security focal points shall review security arrangements for all duty stations and field offices where their agency operates and maintain copies of all relevant instructions, Minimum Operating Security Standards (MOSS) and, if required, country-specific security plans. The field security focal point shall provide advice as appropriate to country representatives and assist the UNSECOORD field security coordination officer, as required.

14. All agency managers, who have responsibility for planning and approving field projects, programmes and missions, will liaise closely with the senior security managers and/or headquarters security focal points and country representatives, ensuring that adequate provisions are made for safety and security arrangements. This should include obtaining the required security clearances before personnel employed by organizations of the United Nations system and eligible dependants commence travel and ensuring that such personnel receive a security briefing and country information package upon arrival at the duty station. Information on in-country security conditions must be up-to-date and accurate. The senior security manager and/or headquarters security focal point will be available to assist in these aspects.

15. All projects, programmes and missions that include field level activity shall be screened by the country representative or his/her nominee to ensure adherence to United Nations security procedures and to verify that adequate provisions are made for the security of staff. This requires the inclusion in the field project document of a paragraph describing the threat assessment in the country.

IV. Country duty stations/field offices

16. The country representative is responsible to the executive head for the security, safety and welfare of persons employed by the organization and their eligible dependants. In addition, country representatives have a responsibility for the protection of all assets, property and information belonging to the organization or to the United Nations, where appropriate. All persons in the supervisory chain will be held accountable for this responsibility.

17. All supervisors and personnel must make themselves aware of the contents of the references listed above and must adhere to their direction and advice. Copies may be requested through the senior security manager and/or headquarters security focal point.

18. Country representatives are responsible for ensuring that personnel under their supervision and their eligible dependants adhere to United Nations security policy, rules and regulations together with any organizational instructions.

19. No supervisor should ever instruct or request, directly or indirectly, any staff member to disregard security policy, rules, regulations or instructions, and should never knowingly permit personnel to expose themselves to unnecessary risk. Any supervisor who

breaches this will be held accountable under the relevant staff rules and disciplinary procedures.

20. Personnel employed by the organizations of the United Nations system are also responsible for their own safety and security as well as that of others with whom they work. Such personnel must therefore exercise proper precautions and avoid taking unwarranted risks that may jeopardize either their own safety and security or that of other staff members, as well as the assets, property and information of the agency. Personnel who do not adhere to security policy, rules, regulations and directions will be accountable under relevant staff rules and disciplinary procedures.

21. In each country the Secretary-General will appoint a United Nations designated official who will be responsible and accountable for the overall security management arrangements at the duty station. The designated official will convene a security management team to advise on all security-related matters. The team will include country representatives of all United Nations organizations, plus others with technical expertise, as appropriate.

22. Country representatives will participate actively in the security management team; this responsibility may not be delegated except temporarily due to authorized absence. In such cases, it should be delegated to their deputies. Participation in the security management team requires that every member will undertake such training as offered by UNSECOORD. This responsibility will be reflected in the relevant job descriptions and terms of reference.

23. All country representatives, in their capacity as members of the security management team, will assist the designated official in developing Minimum Operating Security Standards (MOSS), which incorporate Minimum Telecommunications Standards (MITS), in their respective countries.

24. Each country representative will designate a country security focal point from amongst their senior staff. While the day-to-day tasks associated with safety and security may be delegated, it must be remembered that the responsibility and accountability are always retained by the country representative.

25. In this regard, therefore, executive heads, assisted by their appropriate senior staff, will ensure that budgetary planning and resource allocation make provision for security-related requirements in accordance with guidance provided by the senior security manager/headquarters security focal point. Normally this would include security personnel, both international and national (guard services), communications, training, personal protective equipment, office security systems and vehicle safety equipment. In this way, the requirements of the Minimum Operating Security Standards (MOSS) can be effectively developed implemented, maintained and sustained.

26. At each duty station, UNSECOORD will conduct from time to time, security training for country representatives as well as for all personnel employed by the organizations of the United Nations system. Single agencies with a security training capability will ensure that any training provided to their staff is consistent with and accredited by UNSECOORD. Senior security managers and/or headquarters security focal points will be responsible for holding records of attendance. These records will assist in taking decisions relating to personnel working in high-risk areas, particularly following phase three determinations of essential staff. It must be noted that attendance at security training is mandatory.

27. All personnel employed by organizations of the United Nations system and their eligible dependants who are travelling for official purposes to a duty station where a security phase is in effect require a security clearance from the designated official. All personnel must have a recorded written security clearance each time that they deploy outside the city area where they normally work. This shall be managed by the security focal point in each office and may, at some duty stations, also be a stipulation of the designated official. This authorization is required for safety and security planning, so that the whereabouts of personnel employed by organizations of the United Nations system and their eligible dependants are known at all times, and is also necessary to ensure validation of malicious acts insurance policies.

28. Country representatives are not authorized to open sub-offices, relocate personnel employed by the organization and their eligible dependants or conduct extended activity outside of the main offices without the concurrence of both the designated official and senior security manager and/or headquarters security focal point. Establishment of new offices, operations bases must conform to Minimum Operating Security Standards (MOSS).

29. Country representatives and their personnel must actively participate in security preparedness and contingency planning and familiarize themselves with the contents and procedures of security plans. These are formulated by the designated official and the security management team and are approved by UNSECOORD. One copy of the plan is forwarded to the senior security manager and/or headquarters security focal point for information, as appropriate. All staff shall be familiar with the plan and its contents and will be required to adhere to its provisions.

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Item 111 (c) of the provisional agenda*
Human rights questions: human rights situations and reports of special rapporteurs and representatives

Question of the violation of human rights in the occupied Arab territories, including Palestine

Report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territories occupied by Israel since 1967

Note by the Secretary-General**

The Secretary-General has the honour to transmit to the members of the General Assembly the interim report on violations of international humanitarian law and human rights in the Palestinian territories occupied since 1967, submitted by John Dugard, Special Rapporteur, pursuant to Commission on Human Rights resolutions 1993/2, section A, and 2002/8 and Economic and Social Council decision 2002/243.

* A/57/150.

** In accordance with General Assembly resolution 55/222, part III, para. 10, the present report is being submitted beyond the 2 July deadline so as to include as much updated information as possible and the decision of the Economic and Social Council.

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Executive summary

In the past several months, violence has escalated in both the Occupied Palestinian Territory and Israel. Israel has effectively reoccupied the Occupied Palestinian Territory and the peace process has completely stalled. Human rights and international humanitarian law have suffered drastically in the process.

Civilians are the main casualties of the conflict. Both Israel and Palestine have ignored the basic principles of distinction and proportionality in their actions against or involving civilians. Palestinian groups have been responsible for an increased number of suicide bombings in Israel and for the killing of settlers. The Israel Defense Forces (IDF) have been responsible for a heavy loss of life in their military incursions, particularly in Nablus and Jenin, and rocket attacks on militants. Many of those killed in both Israel and Palestine have been children.

IDF incursions in the West Bank have resulted in large-scale arrests and detentions. Detainees have been treated in an inhuman and degrading manner, sometimes constituting torture. These incursions have been characterized by a massive destruction of property, estimated by the World Bank at $361 million.

Closures, checkpoints and curfews have destroyed freedom of movement for Palestinians, with disastrous consequences for human freedom, health, welfare and education.

Illegal settlements have continued to grow. Moreover, there is now a plan to build a fence or zone between Israel and the Occupied Palestinian Territory, which will result in a further annexation of Palestinian territory.

Fundamental norms of human rights law and international humanitarian law have been violated on a large scale. The destruction and disruption of the civil administration in the West Bank have serious implications for both the Palestinian people and the rule of law. Under the law, Israel, as the occupant, is obliged either to assume responsibility for civil administration itself or to permit the Palestinian Authority to carry out its functions properly. In terms of the Fourth Geneva Convention, all State Parties are required to ensure that this happens.

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I. Introduction

1. On 26 March 2002, the Special Rapporteur reported to the Commission on Human Rights at its fifty-eighth session on the situation of human rights in the Palestinian territories occupied by Israel since 1967. That report was based largely on a visit to the region in February 2002. Much has happened since then. Violence has escalated in both the Palestinian Territory and Israel, Israel has effectively reoccupied the Palestinian Territory and the peace process has completely stalled. Both the Security Council and the General Assembly have adopted resolutions, but to little avail.[1] The present report makes no attempt to give a full account of the events of the past few months or of the failed attempts to restore peace in the region, which are matters of public record that have received wide coverage in the media (see also A/ES-10/186). Instead, it focuses on the principal violations of human rights and international humanitarian law. Inevitably, much will happen in the Occupied Palestinian Territory between the writing of the present report and its presentation. An addendum will therefore be submitted later, based on a visit to the region planned for late August.

II. Human rights and terrorism

2. Since 11 September 2001, the response to terrorism has dominated the world's agenda and the protection of human rights has been reduced in importance. This is unfortunate as it is clear that the promotion and protection of human rights is the most effective method of combating terrorism. The relationship between terrorism and human rights is nowhere more evident than in the Middle East, where the violation of human rights in the Occupied Palestinian Territory has produced acts of terrorism in Israel, violating the most basic right to life, and this in turn has led to acts of military terror in the Occupied Palestinian Territory, with the inevitable suppression of basic human rights. In this situation, it serves little purpose to apportion immediate blame. It is far wiser to acknowledge that violations of human rights are a necessary consequence of military occupation and to address ways of ending this situation so that the cycle of violence is replaced by the increasingly difficult, but increasingly necessary, quest for peace and security.

III. Civilians: victims of the conflict

3. Civilians inevitably are the main casualties of armed conflict and civil strife. International humanitarian law seeks to limit harm to civilians by requiring that all parties to a conflict respect the principles of distinction and proportionality. The principle of distinction, codified in article 48 of the First Additional Protocol to the Geneva Conventions of 1977, requires that parties to the conflict shall "at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives". Acts or threats of violence, the primary purpose of which is to spread terror among the civilian population, are prohibited (article 51 (2)). The principle of proportionality codified in article 51 (5) (b) prohibits an attack on a military target which may be expected to cause incidental loss of civilian life, injury to civilians and damage to civilian objects which would be excessive in relation to the concrete and direct military advantage anticipated. That these

principles apply to both Israelis and Palestinians was confirmed by the High Contracting Parties to the Fourth Geneva Convention when, in a statement issued on 5 December 2001, they called on both parties to the conflict to:

> "*ensure respect for and protection of the civilian population and civilian objects and to distinguish at all times between the civilian population and combatants and between civilian objects and military objectives. They also call upon the parties to abstain from any measures of brutality and violence against the civilian population whether applied by civilian or military agents and to abstain from exposing the civilian population to military operations*".

Sadly, neither party to the conflict in the region has paid proper respect to these principles as the death toll has continued to rise. Since the start of the second intifada in September 2000, a total of 1,700 Palestinians and 600 Israelis have been killed. Most have been civilians.

4. Within Israel, most deaths have been caused by suicide bombers who have carried their lethal weapons of destruction on to buses and into busy shopping centres. Despite condemnation from the Palestinian Authority and prominent Palestinian community leaders — and the international community — this instrument of terror, which shows no regard for either the principle of distinction or that of proportionality, continues to be used by paramilitary Palestinian groups.

5. The Israel Defense Forces (IDF), presumably well educated in the rules of international humanitarian law, have likewise shown little regard for the principles of distinction or proportionality. Recent military incursions into the West Bank and the reoccupation of Palestinian towns and cities have resulted in heavy loss of civilian life. That was nowhere more apparent than in Operation Defensive Shield, in March and April 2002, in which the refugee camp of Jenin and the city of Nablus were subjected to heavy bombardment from air and land before IDF troops entered, employing buildozers to facilitate their movement and allegedly using Palestinian civilians as human shields against snipers. Of the 80 persons killed in Nablus, 50 were civilians, and of the 52 killed in Jenin, 22 were civilians. Since November 2000, the IDF has targeted and killed a number of selected militants in precision bombings. These assassinations have often been carried out, however, with no regard for civilians in the vicinity. Of the 165 persons killed in such actions, at least one third have been civilians. A recent incident starkly illustrates the manner in which such attacks have sometimes been made. On 22 July, the IDF carried out a late night air strike, aimed at Hamas military leader Salah Shehada while he was in a densely populated residential area of Gaza City, which killed 15 persons (including 9 children) and injured over 150 others.

6. Many of the civilians killed have been children. In 2002, over 100 children have been killed, not in crossfire between Palestinian and Israeli forces, as is usually believed, but mainly when the IDF has randomly opened fire or shelled civilian neighbourhoods. Over 20 children have been killed "collaterally" in the course of the assassination of militants.

IV. Detentions, inhuman treatment and children

7. The assaults on Palestinian towns in March and April in Operation Defensive Shield and subsequent military operations in the West Bank have resulted in massive

arrests and detentions. In the period between 29 March and 5 May alone, some 7,000 Palestinians were arrested, of whom 5,400 had been released by that date.[2] In many towns and refugee camps, all males between the ages of 16 and 45 were arrested. Most were held for several days only. Arrests of this kind constitute a form of collective punishment as in most instances there has been no regard for the personal responsibility of those arrested. In many cases, arrested persons have been subjected to humiliating and inhuman treatment. They have been stripped to their underpants, blindfolded, handcuffed, paraded before television cameras, insulted, kicked, beaten and detained in unhygienic conditions. Those not released are held without trial or access to a lawyer. Some are held in administrative detention; others are held in terms of Military Order 1500, issued on 5 April to permit lengthy detention of those arrested since 29 March. Military Order 1500 authorizes incommunicado detention for up to 18 days — which may be renewed for up to 90 days. There are widespread allegations of torture, consisting of sleep deprivation, severe beating, heavy shaking, painful shackling to a small chair, subjection to loud noise and threats of action against family members.

8. In my report of 6 March to the Commission on Human Rights (E/CN.4/2002/32), I drew attention to serious allegations of inhuman treatment and torture, of the kind described in the preceding paragraph, of juveniles detained and imprisoned for political offences, particularly throwing stones at members of the IDF. I stressed that such treatment violated important norms of international law contained in the Convention on the Rights of the Child (art. 37), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (arts. 1, 6) and the Fourth Geneva Convention (arts. 27, 31, 32, 76). I accordingly called upon the Israeli authorities to conduct a thorough investigation into those allegations (detailed fully in the reports of non-governmental organizations) carried out by an independent body outside the military, police and prison services. Sadly, no such action has been taken. On the contrary, the position of children has deteriorated still further. It is estimated that between 10 and 15 of the thousands recently detained are children.[3] Moreover, there is evidence that many have been subjected to the same humiliating and inhuman treatment (sometimes amounting to torture) as adults, described above.

V. Curfews, checkpoints and the reoccupation of Palestine

9. Since the start of the second intifada, in September 2000, Israel has imposed a stranglehold on the lives of Palestinians by means of restraints on freedom of movement. First came the closure of international borders and the sealing off of Gaza from the rest of the Palestinian Territory. Second came the erection of 120 checkpoints on roads in the West Bank. Third, in 2002, came the curfew, not of a town or neighbourhood, but of a substantial portion of the nation. It is these measures, vigorously enforced by the IDF, which constitute the reoccupation of the Palestinian Territory.

10. The IDF operation "Determined Path", commenced in mid-June, has resulted in the reoccupation of seven of the eight major West Bank urban centres and adjoining refugee camps and villages. Between 18 and 25 June, curfews were imposed on Jenin, Qalquiliya, Bethlehem, Nablus, Tulkarem, Ramallah and Hebron. That has subjected over 700,000 persons to a regime similar to house arrest which confines them to their homes, except every third or fourth day when the curfew is

lifted for several hours to allow residents to obtain essential supplies. The curfew is strictly enforced by the IDF and there have been many incidents of shooting of civilians who had failed to observe the curfew.

11. That reoccupation by closure and curfew has affected every feature of Palestinian life. There have been shortages of basic foodstuffs; interference with medical services by the denial of access to doctors and hospitals; interruption of family contacts; and stoppages of education (at a particularly important time — that of end-of-year examinations). Municipal services, including water, electricity, telephones, and sewage removal have been terminated or interrupted; and the IDF has denied permission to repair damaged municipal service supply units. There has also been a near complete cessation of productive activity in manufacturing, construction and commerce as well as private and public services, which has had serious consequences for the livelihood of most of the population. Inevitably, the incidence of poverty has increased dramatically. In May, the World Food Programme estimated that food aid was a priority need for 620,000 Palestinians in the West Bank and Gaza.

12. No one is exempt from the curfew. Chairman Arafat himself has been confined to his compound in Ramallah and his supplies of electricity and water have been intermittently cut off.

VI. Destruction of property

13. The assaults on cities in the West Bank in Operation Defensive Shield, from 29 March to 7 May, left devastation in their wake. In Jenin, 800 dwellings were destroyed and many more damaged, leaving over 4,000 people homeless. Losses were estimated by the World Bank at $83 million. In Nablus, there was extensive damage to the old city, including religious and historic sites. Repair costs have been estimated by the World Bank at $114 million. Refugees were the hardest hit. In the military offensives of 27 February to 17 March and 29 March to 7 May, over 2,800 refugee housing units were damaged and 878 homes destroyed or demolished, leaving 17,000 persons homeless or in need of shelter rehabilitation. The World Bank estimates that Operation Defensive Shield caused physical damage amounting to $361 million in the West Bank as a whole, compared with the $305 million caused by damage in the first 15 months of the intifada.[4] Private businesses suffered the most ($97 million), followed by housing ($66 million), roads ($64 million) and cultural heritage sites ($48 million).

14. In the past, there has often been a disciplined, retributive approach to the destruction of property. For instance, the houses of suspected militants have been demolished in a clinical display of collective punishment — a practice that continues to this day. The destruction of property in Operation Defensive Shield, however, had a wanton character that surprised even the harshest critics of the IDF. In many houses entered by the IDF, soldiers broke holes into the walls in order to reach neighbouring houses. Sometimes, holes were made from one apartment to another where it was possible for soldiers to have entered from a veranda or window. Worse still, there were reports of systematic trashing of homes, of wanton destruction of televisions and computers in homes, schools and office buildings and of looting.[5]

VII. Territorial integrity of the Occupied Palestinian Territory

A. Settlements

15. The international community is united in its categorization of Jewish settlements in the West Bank and Gaza as contrary to article 49 (6) of the Fourth Geneva Convention, which prohibits an occupying power from transferring parts of its own civilian population into the territory it occupies. In numerous resolutions, the Security Council and the General Assembly have condemned the settlements as illegal and, in their Declaration of 5 December 2001, the High Contracting Parties to the Fourth Geneva Convention reaffirmed that position.

16. Today, there are some 190 settlements in the West Bank and Gaza, inhabited by approximately 390,000 settlers, of whom some 180,000 live in the East Jerusalem area. Settlements are linked to each other and to Israel by a vast system of bypass roads that have a 50- to 75-metre buffer zone on each side in which no building is permitted. These settlements and roads, which separate Palestinian communities and deprive Palestinians of agricultural land, have fragmented both land and people. In effect, they foreclose the possibility of a Palestinian State as they destroy the territorial integrity of the Palestinian Territory.

17. The relationship between settlers and Palestinians is an unhappy one and each side views the other with hostility, anger and suspicion. Protected by the Israeli military, and exempt from the jurisdiction of the courts of the Palestinian Authority, settlers have committed numerous acts of violence against Palestinians and destroyed Palestinian agricultural land and property. Since the beginning of the second intifada, incidents of settler violence have dramatically increased. Palestinian hostility towards settlers has grown alarmingly since the start of this intifada and many of the Israelis killed in the current conflict have been settlers or soldiers charged with the task of protecting settlements and roads leading to settlements. In the past few months, acts of terrorism against settlers have escalated as Palestinian militants have attacked settlements or buses en route to settlements.

18. Despite threats to the life and security of settlers, the Government of Israel has made no attempts to reduce the number of settlers. Indeed, it has refused to provide them with assistance in returning to Israel and has encouraged them to stay on settlements by continuing to offer cheap housing, discounted loans and tax incentives.[6]

19. Assurances by the Government of Israel that it will limit the growth of settlements cannot be reconciled with the facts. Settlements have continued to increase, mainly by means of informal "outposts" established in the proximity of existing settlements, officially tolerated if not officially authorized; and by means of the construction of new housing units in existing settlements. Since February 2001, a total of 44 "outposts" have been constructed, according to Peace Now, the Israeli peace and human rights movement. In July 2002, steps were taken to destroy some of the smallest, unpopulated outposts, a step castigated by YESHA, the settlers' association, as an encouragement of terrorism. Politically, settlers wield considerable power within the Israeli body politic and this enables them virtually to dictate policy to the Government.

B. Fences and buffer zones

20. The failure to prevent Palestinian suicide bombers from reaching their targets in Israel has led to a new strategy on the part of the Government of Israel. This is the construction of a 360-kilometre security fence or zone comprising ditches, barricades, walls, monitored electrified fences and patrol roads to separate Israel from Palestine. The exact course and breadth of the fence/zone is uncertain but it is clear that it will not carefully follow the existing Green Line marking the pre-1967 borders between Israel and Jordan. Instead, it will encroach further on Palestinian territory by establishing a buffer zone several kilometres wide within Palestine and by incorporating settlements near to the Green Line. Moreover, it will incorporate East Jerusalem and neighbouring settlements, such as Ma'ale Adumim into Israel. This unilateral redrawing of the border in the name of security is simply a pretext for the illegal annexation of Palestinian territory.

VIII. The occupation from the perspective of international human rights and international humanitarian law

21. Speaking to the Security Council on 12 March 2002, the Secretary-General, Kofi Annan, called upon Israel to end its "illegal occupation" of the Palestinian Territory. Asked to explain why he used the term *illegal* to describe the occupation of the Palestinian Territory, he replied that "the Security Council and the General Assembly have both at various occasions declared aspects of Israeli occupation as illegal". He noted, in particular, the building of settlements, the annexation of East Jerusalem and recent events in the region. The comments of the Secretary-General underscore the fact that it is by the law of occupation that Israel's conduct must be judged and that many of its practices violate basic principles of that governing law.

22. The governing body of law is to be found in the Hague Regulations of 1907, the Fourth Geneva Convention of 1949, and international human rights conventions on civil and political rights, social, economic and cultural rights and the treatment of children, as supplemented by customary international law. That international human rights law forms part of the law of occupation is clear from article 27 of the Fourth Geneva Convention, which provides that the occupying power is to respect the fundamental rights of protected persons. According to the commentary of the International Committee of the Red Cross on this provision: "The right to respect for the person must be understood in its widest sense: it covers all the rights of the individual, that is, the rights and qualities which are inseparable from the human being by the very fact of his existence and his mental and physical powers; it includes, in particular, the right to physical, moral and intellectual integrity — an essential attribute of the human person" (p. 201). The "rights of the individual" have been proclaimed, described and interpreted in international human rights instruments, particularly the international covenants on civil and political rights, and economic, social and cultural rights of 1966, and in the jurisprudence of their monitoring bodies. These human rights instruments therefore complement the Fourth Geneva Convention by defining and giving content to the rights protected in article 27. This is borne out by the Vienna Declaration adopted by the World Conference on Human Rights in 1993, which states that:

"Effective international measures to guarantee and monitor the implementation of human rights standards should be taken in respect of people under foreign occupation, and effective legal protection against the violation of their human rights should be provided, in accordance with human rights norms and international law, particularly the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 14 August 1949, and other applicable norms of humanitarian law."

A. Violations of human rights

23. The most basic and fundamental rights have been violated in the course of the conflict in both the Occupied Palestinian Territory and Israel itself. The right to life, upon which all rights depend, has suffered dramatically as a result of terrorist suicide bombings in Israel, attacks on settlers in the Occupied Palestinian Territory and violence against Palestinians by the IDF, including acts of terrorism, assassination, military incursion and the shooting of civilians. The right to human dignity, freedom from torture and arbitrary arrest and the right to a fair trial have been violated on a large scale by Israeli military interventions in the West Bank. Freedom of movement has been completely destroyed for Palestinians by closures, checkpoints and curfews; and the right to property has been dramatically undermined by military offensives. Economic, social and cultural rights have likewise suffered. Curfews, checkpoints and the destruction of housing have violated articles 11 to 13 of the 1966 International Covenant on Economic, Social and Cultural Rights, which together recognize the right of everyone to an adequate standard of living, including adequate food, clothing and housing, to the enjoyment of the highest attainable standard of physical and mental health, and to education. Sadly, many of the provisions of the Convention on the Rights of the Child have been violated. These include the right to life, to health care, to a standard of living adequate for the child's physical, mental, spiritual, moral and social development, to education, to freedom from torture, inhuman treatment and arbitrary arrest, and to a fair trial as well as the obligation on States to "ensure to the maximum extent possible the survival and development of the child" (article 6 (2)). That Convention, moreover, requires States, in accordance with their obligations under international humanitarian law, "to ensure protection and care of children who are affected by an armed conflict" (article 38 (4)).

B. Violations of international humanitarian law

24. Many of the most basic principles of international humanitarian law have also been violated. As shown in paragraphs 3 to 6 above, neither party to the conflict has shown respect for the principles of distinction and proportionality in their actions against or affecting civilians. The prohibition on collective punishment "and likewise all measures of intimidation or of terrorism" contained in article 33 of the Fourth Geneva Convention has been violated in many ways by the IDF, including by the destruction of property, curfews, and the arrest of all men between the ages of 16 and 45. The wanton destruction of property carried out as part of Operation Defensive Shield, particularly in Nablus and Jenin, cannot be reconciled with article 53 of the Convention, which prohibits the destruction of property "except where such destruction is rendered absolutely necessary by military operations".

C. Civil administration in a state of occupation

25. The law governing occupation, reflected in international custom, the Hague Regulations of 1907 and the Fourth Geneva Convention, is designed to ensure that, notwithstanding the security needs of the occupying power, the day-to-day lives of civilians in an occupied territory will continue normally. In today's world, this means that civilians must have adequate food, shelter, electricity and water; that municipal services such as garbage and sewage removal will continue; that the sick will have access to proper medical care; and that education will not be obstructed.

26. There is no single rule of international law that specifically states that a belligerent occupant is responsible for the civil administration of an occupied territory. There are, however, two sources of law that create such a responsibility: first, article 43 of the Hague Regulations and, second, provisions of the Fourth Geneva Convention. Article 43 is brief and fails to detail the obligations of the occupying power. It simply provides that:

> "The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country."

The reason for the failure to spell out the duties of the occupant is that in 1907 "the establishment of a system of administration by the occupant was widely accepted in practice ... as mandatory".[7]

27. The Fourth Geneva Convention complements this provision by imposing obligations on the occupant to ensure "the food and medical supplies of the population" and to "bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territory are inadequate" (article 55); to ensure and maintain "the medical and hospital establishments and services, public health and hygiene in the occupied territory" (article 56); and to facilitate "the proper working of all institutions devoted to the care and education of children" (article 50). Obligations to provide postal services, telecommunications and transport and to maintain public welfare institutions may also be inferred from the Fourth Geneva Convention and the Hague Regulations.[8] Together, these provisions amount to an obligation on the occupant to establish an adequate civil administration in an occupied territory.

28. In terms of the Oslo Accords, the responsibility for civil administration in the West Bank and Gaza was transferred to the Palestinian Authority. Today, however, the identity of the authority responsible for the civil administration of the West Bank and Gaza is not so clear. The military operations of 2002 have effectively destroyed much of the infrastructure of the Palestinian Authority. Electricity and water supplies have been cut, municipal services terminated, access to food denied, health care obstructed and education seriously interrupted. Does this mean that Israel is now obliged to assume responsibility for the civil administration of the Occupied Palestinian Territory?

29. Although Israel has announced that it anticipates a prolonged occupation of the Palestinian Territory, it clearly does not intend resuming responsibility for the civil administration of the territory.[9] Rather than do this, it is considering handing over some of the $600 million due to the Palestinian Authority for customs' duties and

tax it has blocked since September 2000.[10] Similarly, the Palestinian Authority, despite complaints that Israel has de facto scrapped the Oslo Accords, is understandably unwilling to contemplate surrendering the power of civil administration to Israel.

30. The current situation is untenable. Israel cannot, in terms of international humanitarian law, deny the Palestinian Authority the capacity to provide an adequate and functioning civil administration, and at the same time refuse to accept any responsibility for such an administration itself. In law, it is obliged either to assume this responsibility or to permit the Palestinian Authority to provide the services that comprise an adequate civil administration. There is a heavy burden on all parties to the Fourth Geneva Convention to take measures to ensure the restoration of a proper civil administration in the Palestinian Territory in accordance with their obligation under article 1 of the Convention "to ensure respect" for the Convention "in all circumstances".

IX. Concluding remarks

31. **The Occupied Palestinian Territory is a testing ground for human rights and humanitarian law. The great advances in these two bodies of law are undermined by a situation in which human rights and humanitarian law are denied and disregarded with no meaningful response from the international community. The rule of law is one casualty of the conflict in the Occupied Palestinian Territory, but the main casualties are the people of Palestine and of Israel.**

Notes

[1] See Security Council resolutions 1397 (2002), 1402 (2002) and 1405 (2002) as well as General Assembly resolution ES-10/10.

[2] Statement by the State Attorney's Office to the Israeli Supreme Court: HCJ 3239/02 *Iyyad Ishaq Mahmud Mar'ab et al v. Commander of IDF Forces in the Judea and Samaria Area*. Response by the Respondent, 5 May 2002, para. 14.

[3] See the report on Israeli Practice towards Palestinian Children submitted by Defense for Children International, Palestine Section, to the Committee against Torture, May 2002.

[4] *International Herald Tribune*, 16 May 2002.

[5] Amnesty International, *Israel and the Occupied Territories: The Heavy Price of Israeli incursions*, 12 April 2002.

[6] See further, B'Tselem, *Land Grab: Israeli Settlement Policy in the West Bank*, 2002.

[7] E. Benvenisti, *The International Law of Occupation* (1993), pp. 4-5.

[8] M. Greenspan, *The Modern Law of Land Warfare* (1959), pp. 230-235.

[9] See the statements by Mr. Ben-Eliezer, Minister of Defence, and Major General Amos Gilad reported in the *International Herald Tribune*, 24 June.

[10] *International Herald Tribune*, 23 July.

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Human rights questions: human rights situations and reports of special rapporteurs and representatives

Question of the violation of human rights in the occupied Arab territories, including Palestine

Report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territories occupied by Israel since 1967

Addendum

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the report of the Special Rapporteur on his visit to the Occupied Palestinian Territory and Israel, from 25 to 30 August 2002.

Summary

1. As indicated in his main report to the General Assembly (A/57/366), the Special Rapporteur relates herewith his visit to the Occupied Palestinian Territory at the end of August 2002.

2. The Special Rapporteur visited the Occupied Palestinian Territory and Israel from 25 to 30 August. During that period, he paid field visits to Nablus and Jenin, where he inspected the damage caused by Operation Defensive Shield, and to Qalquiliya, where he saw the start of the great Wall of Separation between Israel and Palestine. He also visited Ramallah, Bethlehem and Jericho. The Special Rapporteur met with a wide range of people: Chairman Yasser Arafat and Mr. Sa'eb Erekat, Minister of Local Government of the Palestinian Authority; the governor of Nablus and the acting Governor of Jenin; the Mayor of Jenin; representatives of Palestinian, Israeli and international non-governmental organizations; and members of international humanitarian agencies. The visit served to confirm the accuracy of the

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account of the situation described in the main report. However, the Special Rapporteur believes that the seriousness of the situation was understated in that report. The personal encounter with curfews, the devastated Jenin refugee camp, the badly damaged old city of Nablus, checkpoints where Palestinians are daily humiliated, Chairman Arafat's largely destroyed compound and interlocutors who told of their own suffering and those of others, transformed an intellectual appreciation of a humanitarian crisis into an emotional awareness of the human tragedy that is unfolding in Palestine.

3. The present addendum will not add to all the topics raised in the main report. Instead, it will focus on curfews and closures and their consequences; detentions; collective punishment; children; settlements; and the funding of the humanitarian crisis.

Security and human rights

4. Before turning to these issues it is necessary to say something about Israel's security needs and interests. There can be no doubt that Israel has legitimate security concerns. Waves of Palestinian suicide bombers have inflicted deep wounds on Israeli society. Israel has both a right and an obligation to protect its people from further attacks. At the same time, it is necessary to ask whether the measures resorted to by Israel, particularly curfews and closures, always serve a security need. Often they appear so disproportionate, so remote from the interests of security, that one is led to ask whether they are not in part designed to punish, humiliate and subjugate the Palestinian people. Israel's legitimate security needs must be balanced against the legitimate humanitarian needs of the Palestinian people. To the Special Rapporteur it appears that there is no such balance. Human rights have been sacrificed to security. This in turn produces a greater threat to Israeli security: the hopelessness of despair which leads inexorably to suicide bombings and other acts of violence against Israelis.

Curfews, closures and their consequences

5. It is difficult to describe curfews of the kind experienced in Nablus and Ramallah. Previously crowded, bustling cities, full of noise, movement and colour, transformed into ghost towns, with the silence of the city broken only by the rumbling of tanks and the sporadic gunfire of soldiers. Whole cities imprisoned behind walls. An imprisonment arbitrary in its application as none can predict when it will be lifted or when it might be reimposed; and brutal in its implementation as many have been shot and killed for failing to observe the rules of the curfew. It is less difficult to describe a military checkpoint. A group of young soldiers, with the arrogance of adolescence or its immediate aftermath, in dusty uniforms with ominous rifles over their shoulders, entrusted with arbitrary power over the movement of the people of Palestine. Long lines of vehicles or people presenting papers to soldiers behind concrete blocks, all aware that their movement is completely in the hands of these young foreign soldiers. The arrogance of the occupier and the humiliation of the occupied.

6. It is easier to describe the consequences of curfews and closures as they are backed by hard statistics. The subjection of over 700,000 persons in the main cities

to curfews, and the denial of access by the villagers to the cities, has resulted in unemployment, poverty, malnutrition and illness. Over 50 per cent of the population of the Palestinian Territory is unemployed. Poverty, based on two dollars or less consumption per day, is at 70 per cent in Gaza and 55 per cent in the West Bank. A total of 1.8 million Palestinians receive food aid or other forms of emergency humanitarian support from a variety of sources, notably the United Nations Relief and Works Agency for Palestine Refugees in the Near East, the World Food Programme and the International Committee of the Red Cross. Twenty-two per cent of children under the age of five suffer from acute or chronic malnutrition, while 20 per cent suffer from iron-deficiency anaemia. Mental health problems have increased alarmingly among children. Health care has suffered drastically as a result of the unavailability of medication and the inability to reach health centres. As usual, the situation in the refugee camps is particularly bleak, as was evident when the Special Rapporteur visited the Balata refugee camp near Nablus.

Detentions

7. The number of people subjected to administrative detention, that is lengthy detention without trial, has increased from less than 100 to 1,860. Of the 7,000 detainees, some 300 are children and 50 are women (including eight girls).

Collective punishment

8. The demolition of the homes of families as punishment for crimes committed against Israel by a family member has long been an Israeli practice. In August, the Israeli High Court denied judicial review in such cases, as had previously been the position, thereby giving military commanders complete discretion to order the demolition of houses. This clearly violates article 33 of the Fourth Geneva Convention which prohibits collective punishment.

9. On 3 September, the Israeli High Court issued a ruling allowing the forcible deportation of two Palestinians from their home town of Nablus to the Gaza Strip on the ground that they had allegedly assisted their brother (extrajudicially executed by Israeli forces on 6 August) to commit attacks against Israelis. Although the Court limited such deportations to "extreme cases", it must be stressed that the decision to deport was not preceded by a trial to determine the deportee's complicity. The right to a fair trial and the prohibitions on collective punishment (article 33 of the Fourth Geneva Convention) and forcible transfers (article 49 of the Convention) are violated by these measures.

Children

10. Children have suffered greatly as a result of military incursions into Palestinian territory and curfews and closures. Many have been killed or injured; some 300 have been arrested and detained; over 2,000 have been rendered homeless; two thirds live below the poverty line; 22 per cent of children under the age of five suffer from malnutrition; at least 330,000 have been confined to their homes by curfew; over 600,000 have been prevented from attending schools in the West Bank; and most have been seriously traumatized. During Operation Defensive Shield, 11

schools were destroyed, 9 vandalized, 15 employed as military outposts, 15 used as detention centres and 112 damaged. Teachers, like pupils, have often been unable to gain access to their schools as a result of closures. Palestinian leaders expressed great concern to the Special Rapporteur about the fate of schools, which opened on 31 August, in the face of curfews. Treatment of this kind leaves both physical and mental scars. Worse still, it breeds hatred for the occupier, which augurs ill for the future.

Settlements

11. The main report contains facts about settlements. On this visit, the Special Rapporteur had the opportunity to see the settlements in the Nablus and Jenin districts. Such a visit provides a clear explanation for many of the closures that obstruct Palestinian freedom of movement and strangle Palestinian society. Small mountain-top settlements, with populations of several hundred, are linked to each other and to Israel itself by settlers-only roads. Palestinian roads that cross these roads are sealed off, with the result that villagers are often compelled to make lengthy detours to reach markets, shops, workplaces, schools and hospitals in other villages or towns. Outside Jenin, for instance, the two settlements of Gannim (pop. 158) and Kaddim (pop. 148) are linked by a settlers-only road. The main road from Jenin to eight villages with a combined population of some 20,000 that previously crossed this road has been closed by bulldozers. Villagers who previously were only a 10-minute drive from Jenin must now use circuitous village roads, taking hours to reach Jenin. The basic freedoms of Palestinians to movement and to a decent livelihood are therefore sacrificed in the interest of the security and comfort of the alien settler community. The anger and humiliation this engenders among Palestinians is impossible to assess.

The paradox of humanitarian assistance

12. The gravity of the situation is indisputable. So is the need for humanitarian assistance on a massive scale. If this is not forthcoming, the Palestinian people will suffer irremediable harm. The Special Rapporteur therefore endorses, and adds his own voice to, calls for humanitarian assistance from the international community.

13. At the same time, it must be made clear that, by providing aid of this kind, the international donor community relieves Israel of the burden of providing such assistance itself and in this way might be seen to be contributing to the funding of the occupation. As is shown in paragraphs 26 and 27 of the main report, Israel itself is obliged, in terms of articles 50, 55 and 56 of the Fourth Geneva Convention, to ensure that the Palestinian people have food and medical supplies, to maintain medical services and to facilitate the working of educational institutions.